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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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FEDERAL REGISTER

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List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month.

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1971, and specifies how they are affected.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to reflect the following title change: from Secretarial Assistant to the Director, Bureau of Domestic Commerce to Executive Assistant to the Director, Bureau of Domestic Commerce.

Effective on publication in the FEDERAL REGISTER (11–30–71), subparagraph (11) of paragraph (m) of § 213.3314 is amended as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(11) One Executive Assistant to the Director, Bureau of Domestic Commerce.

* * * * *

(5 U.S.C. Secs. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-17370 Filed 11-29-71;8:45 am]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 725—FLUE-CURED TOBACCO

Subpart—Proclamations, Determinations and Announcement of National Marketing Quotas and Referendum Results

DETERMINATIONS AND ANNOUNCEMENTS 1972–73 MARKETING YEAR

Basis and purpose. Section 725.2 is issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, hereinafter referred to as the "Act", to (1) determine and announce the reserve supply level and total supply for Flue-cured tobacco, and (2) determine and announce for Flue-cured tobacco for the marketing year beginning July 1, 1972, the amount of the national marketing quota; the national average yield goal; the national acreage allotment; the reserve for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms; the national acreage factor; and the national yield factor. The material previously appearing in this section under centerhead Determinations and Announcements—1971–72 Marketing Year remain in full force and effect as to the crop to which it was applicable.

The determinations by the Secretary contained in § 725.2 have been made on the basis of the latest available statistics of the Federal Government. Due consideration has been given data, views, and recommendations received from Flue-cured tobacco producers and others pursuant to a notice (36 F.R. 15758) given in accordance with the provisions of 5 U.S.C. 553. As to the national marketing quota, national average yield goal, and national acreage allotment for the 1972–73 marketing year, respondents preponderantly recommended keeping the quota, yield goal, and allotment about the same as for the 1971–72 marketing year.

Since farmers are now making their plans for 1972 production of Flue-cured tobacco and need to know the acreage allotments and marketing quotas for their farms for 1972 in order to be able to make definite decisions, it is hereby found that compliance with the 30-day effective date provision of 5 U.S.C. 553 is impracticable and contrary to the public interest. Therefore, the determinations and announcements contained herein shall become effective upon the date of publication in the FEDERAL REGISTER.

Section 317(a)(1) provides, in part, that for Flue-cured tobacco, the national marketing quota for a marketing year is the amount of Flue-cured tobacco produced in the United States which the Secretary estimates will be utilized during the marketing year in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level.

The reserve supply level is defined in the Act as 105 percent of the normal supply. The normal supply is defined in the Act as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports. A normal year's domestic consumption is defined in the Act as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined in the Act as the yearly average quantity produced in the United States which was exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The 10-year average domestic consumption during the 10 marketing years preceding the 1971–72 marketing year was 719 million pounds, and the 10-year average exports during such period amounted to 499 million pounds. After adjustment for trends, a normal year's domestic consumption of 667 million pounds and a normal year's exports of 530 million pounds appear reasonable, and result in a reserve supply level of 2,844 million pounds.

The carryover of Flue-cured tobacco in the hands of dealers and manufacturers and under Government loan on July 1, 1971, amounted to 1,976 million pounds, farm sales weight. The 1971 crop is currently estimated at 1,102 million pounds. The sum of these, 3,078 million pounds, represents the total supply of Flue-cured tobacco for the 1971–72 marketing year. This is 234 million pounds in excess of the reserve supply level.

It is estimated that 620 million pounds of Flue-cured tobacco will be utilized in the United States during the 1972–73 marketing year and 485 million pounds will be exported. The sum of these, 1,105 million pounds, is the estimated total disappearance. Because it is desirable to effect an orderly reduction of supplies to the reserve supply level, a downward adjustment of 33.4 million pounds has been made. Accordingly, the national marketing quota for Flue-cured tobacco for the marketing year beginning July 1, 1972 is determined to be 1,071.6 million pounds. This reduction is less than the maximum reduction of 15 per centum permitted by the Act, but no further reduction is deemed desirable because a greater reduction is not considered to be orderly. It is determined that the national marketing quota of 1,071.6 million pounds, in view of the anticipated carryover, will insure an adequate supply of Flue-cured tobacco for the 1972–73 marketing year.

The "national average yield goal" has been determined to be 1,854 pounds per acre. It has been determined that this yield will improve or insure the usability of Flue-cured tobacco and increase the net return per pound to the growers. In making this determination, consideration was given to research data of the Agricultural Research Service of the Department and one of the land-grant colleges in the Flue-cured tobacco area.

The community average yields have been determined for Flue-cured tobacco and published in the FEDERAL REGISTER,

7 CFR 724.34u (30 F.R. 6207, 9875, 14487).

The national acreage allotment is 577,993.52 acres, determined in accordance with provisions of the Act by dividing the national marketing quota by the national average yield goal.

In accordance with the Act, a reserve from the national acreage allotment is established in the amount of 218 acres for making corrections in farm acreage allotments, adjusting inequities and establishing allotments for new farms. It is estimated that the reserve acreage will be adequate.

Consideration, in the light of the latest available statistics of the Federal Government, was given as to whether any of the types of Flue-cured tobacco should be treated as a kind of tobacco pursuant to the proviso in section 301(b)(15) of the Act at the time the national marketing quota for the 1965–66 marketing year for Flue-cured tobacco was determined (30 F.R. 6144), and it was determined that types 11, 12, 13, and 14 constitute one kind of tobacco for purposes of the Act for the 1965–66, 1966–67, and 1967–68 marketing years. This finding was affirmed by the Secretary in his determination of January 18, 1966 (31 F.R. 881), and that determination was sustained in the case of Brown et al. v. Freeman. This finding was made applicable for the 1968–69, 1969–70, and 1970–71 marketing years (32 F.R. 9817), and was made applicable also to the 1971–72, 1972–73, 1973–74 marketing years (35 F.R. 10838).

No action may be taken under section 313(i) of the Act unless a substantial difference exists in the usage or market outlets for any one or more of the types comprising the kind of tobacco. On the basis of the facts recited (30 F.R. 6144) in connection with the consideration of § 301(b)(15), it was determined that there is no substantial difference existing in the usage or marketing outlets for any one or more of the types of Flue-cured tobacco and, therefore, no action was taken for the 1965–66 marketing year (nor for subsequent marketing years) under this section. The same conditions prevail with respect to usage or marketing outlets that prevailed at the time of the determination for the marketing quotas on an acreage-poundage basis for the 1965–66 and subsequent marketing years and, therefore, no action is being taken under § 313(i) of the Act for the 1972–73 marketing year. In addition, § 313(i) of the Act applied only to marketing quotas and acreage allotments established pursuant to § 313. It is, therefore, concluded that, notwithstanding § 4 of Public Law 89–12, the better view is that § 313(i) of the Act should not be applied to acreage allotments and marketing quotas determined under section 317 of the Act.

DETERMINATIONS AND ANNOUNCEMENTS—1972–73 MARKETING YEAR

§ 725.2 Flue-cured tobacco.

(a) *Reserve supply level.* The reserve supply level for Flue-cured tobacco is 2,844 million pounds, calculated, as provided in the Act, from a normal year's domestic consumption of 667 million pounds and a normal year's exports of 530 million pounds.

(b) *National marketing quota.* A national marketing quota for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1972 is hereby determined and announced in the amount of 1,071.6 million pounds. This quota is based upon an estimated utilization in the United States in such marketing year of 620 million pounds and exports in such marketing year of 485 million pounds, with a downward adjustment determined to be desirable for the purpose of effecting an orderly reduction of supplies to the reserve supply level.

(c) *National average yield goal.* The national average yield goal for Flue-cured tobacco for the marketing year beginning July 1, 1972 is determined and announced at 1,854 pounds. This goal is based on the yield per acre which on a national average basis it is determined will improve or insure the usability of Flue-cured tobacco and increase the net return per pound to growers.

(d) *National acreage allotment.* The national acreage allotment for Flue-cured tobacco on an acreage-poundage basis for the marketing year beginning July 1, 1972 is determined and announced to be 577,993.52 acres. This allotment was determined by dividing the national marketing quota of 1,071.6 million pounds by the national average yield goal of 1,854 pounds.

(e) *Reserve acreage for making corrections in farm acreage allotments, adjusting inequities, and establishment of acreage allotments for new farms.* A national reserve from the national acreage allotment in the amount of 218 acres is hereby determined and announced. This reserve is for making corrections in farm acreage allotments, adjusting inequities, and establishing allotments for new farms. Of the 218 acres, 50 acres are hereby set aside to be available for new farms. The remainder, 168 acres, is hereby made available for making corrections in farm acreage allotments and for adjusting inequities.

(f) *National acreage factor.* The national acreage factor for the 1972 crop of Flue-cured tobacco is determined and announced to be 1.0.

(g) *National yield factor.* The national yield factor for the 1972 crop of Flue-cured tobacco is determined and announced to be .9312.

(Secs. 301, 313, 317, 375, 52 Stat. 38, 47, 66, as amended, 79 Stat. 66; 7 U.S.C. 1301, 1313, 1314c, 1375)

Effective date: Date of publication of this document in the FEDERAL REGISTER (11–30–71).

Signed at Washington, D.C., on November 26, 1971.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.71–17482 Filed 11–26–71;1:23 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreement and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Tolerance for Delivery of Undersized Reserve Prunes, 1971–72 Crop Year

Notice was published in the October 8, 1971, issue of the FEDERAL REGISTER (36 F.R. 19603) regarding a proposal to amend § 993.207—Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971–72 Crop Year (7 CFR 993.207; 36 F.R. 14724). The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

The notice afforded interested persons opportunity to submit written data, views, or arguments with respect to the proposal. None were received within the prescribed time.

Section 993.207 prescribes salable and reserve percentages for prunes of 60 percent and 40 percent, respectively, for the 1971–72 crop year and, in connection therewith, the required composition of each handler's reserve obligation including certain small-sized prunes defined in § 993.207 as undersized prunes; i.e., those prunes which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter.

It is recognized that not all undersized prunes will in each instance be segregated from prunes of larger size during the course of sizing operations by a handler. The Committee concluded it reasonable to provide for some tolerance as to size in connection with the requirements pertaining to undersized prunes.

The amendment would add a new paragraph (d) to § 993.207 to provide a tolerance for delivery of undersized prunes by a handler to the Committee pursuant to § 993.57. The tolerance provided in paragraph (d) would permit a handler to deliver to the Committee, or its designee, as undersized prunes any lot of reserve prunes if at least 95 percent of the prunes in the lot by weight pass freely through a round opening twenty-eight thirty-seconds of an inch in diameter. However, any lot of prunes so delivered wherein less than 95 percent of the prunes in such lot by weight pass freely through a twenty-eight thirty-second-inch opening, only those prunes in the lot which pass freely through a twenty-five thirty-seconds of an inch opening would be credited as a delivery of undersized prunes.

After consideration of all relevant matter presented, including that in the

notice, the information and recommendation of the Prune Administrative Committee, and other available information, it is found that amendment of Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971–72 Crop Year (7 CFR 993.207; 36 F.R. 14724), as proposed in said notice (36 F.R. 19603), is in accordance with this part, will tend to effectuate the declared policy of the act, and for the reasons hereinafter set forth, should become effective at the time provided herein.

Therefore, it is hereby ordered, That, § 993.207 (Subpart—Salable and Reserve Percentages and Handler Reserve Obligation for the 1971–72 Crop Year; 7 CFR 993.207; 36 F.R. 14724) is amended by adding thereto a new paragraph (d) as follows:

§ 993.207 Salable and reserve percentages for prunes and handler reserve obligation for the 1971–72 crop year.

* * * * *

(d) *Delivery of prunes as undersized prunes.* At the request of the Committee pursuant to § 993.57, any lot of reserve prunes delivered by a handler to the Committee or its designee as undersized prunes shall be considered as a delivery of undersized prunes in its entirety if at least 95 percent of the prunes in the lot by weight pass freely through a round opening twenty-eight thirty-seconds of an inch in diameter. In any lot of prunes so delivered in which less than 95 percent of the prunes in such lot by weight pass freely through such a round opening, only those prunes in the lot which pass freely through a round opening twenty-five thirty-seconds of an inch in diameter shall be considered as a delivery of undersized prunes.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER and for making the provisions hereof effective upon publication (5 U.S.C. 553) in that: (1) This action would afford handlers a tolerance in connection with their deliveries of undersized reserve prunes to the Prune Administrative Committee, thereby relieving restrictions on handlers; (2) handlers are aware of this action and require no additional time to prepare for it; (3) the Committee is preparing to instruct handlers to deliver undersized reserve prunes to it soon for disposition in certain prescribed outlets, and it is imperative that this tolerance be established promptly so that handlers can use this tolerance in connection with such deliveries; and (4) no useful purpose would be served by postponing the effective time of this action.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated November 24, 1971, to become effective upon publication in the FEDERAL REGISTER (11–30–71).

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17433 Filed 11–29–71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–WA–3A]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On November 11, 1971, F.R. Doc. No. 71–16324 was published in the FEDERAL REGISTER (36 F.R. 21584) which amended Part 75 of the Federal Aviation Regulations, effective 0901 G.m.t., January 6, 1972, by adding several area high routes including J907R and J917R. In J907R the transposition of tabulated information resulted in the incorrect listing of the Kofa, Ariz., waypoint rather than the Brenda, Ariz., waypoint. Also in J917R the geographic position for the Logan, Calif., waypoint was incorrectly listed as 36 59 13/121 43 57 rather than 36 58 59/121 43 26. The reference facilities for the Boulder City, Nev., and Phoenix, Ariz., waypoints are being changed to provide stronger signals on this route. Therefore, action is taken herein to effect these changes.

Since this amendment is editorial and minor in nature and no substantive change in the regulation or route structure is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (11–30–71), F.R. Doc. 71–16324 (36 F.R. 21584) is amended as hereinafter set forth.

a. In J907R Houston, Tex., to Los Angeles, Calif., the penultimate waypoint "Kofa, Ariz. 33 30 58/113 53 17 Yuma, Ariz." is deleted and "Brenda, Ariz. 33 43 58/113 47 00 Yuma, Ariz." is substituted therefor.

b. J917R San Francisco, Calif., to Phoenix, Ariz., is amended to read:

J917R SAN FRANCISCO, CALIF., TO PHOENIX, ARIZ.

Waypoint name, N. latitude/W. longitude, and reference facility
Logan, Calif.; 36°58'59"/121°43'26"; Fresno, Calif.
Easton, Calif.; 36°45'17"/119°49'48"; Fresno, Calif.
Wild Rose, Calif.; 36°19'37"/116°51'41"; Beatty, Nev.
Boulder City, Nev.; 35°59'45"/114°51'46"; Boulder City, Nev.
Sycamore, Ariz.; 34°37'25"/112°55'26"; Needles, Calif.
Phoenix, Ariz.; 33°25'53"/111°53'17"; Phoenix, Ariz.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–17397 Filed 11–29–71;8:47 am]

[Airspace Docket No. 71–WA–20]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On November 11, 1971, F.R. Doc. 71–16448 was published in the FEDERAL REGISTER (36 F.R. 21584) which amended Part 75 of the Federal Aviation Regulations, effective January 6, 1972, by adding area high route J982R, Los Angeles, Calif., to Kansas City, Mo. The purpose of this amendment to that document is to correct the geographical position for the Larrabee, Kans., waypoint, to provide for improved signal coverage on the route by adding the Sofia, N. Mex., waypoint between Springer, N. Mex., and Larrabee, Kans., and to change the reference facility for the Factory, Kans., waypoint from Salina, Kans., to Butler, Mo.

Since this amendment is editorial in nature and makes no substantive change in the regulation or the route alignment, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (11–30–71) F.R. Doc. No. 71–16448 (36 F.R. 21584) is amended as hereinafter set forth.

In J982R Los Angeles, Calif., to Kansas City, Mo., delete all after "Springer, N. Mex. 36 15 07/104 46 52 Las Vegas, N. Mex." and substitute the following therefor:

Sofia, N. Mex.; Tucumcari, N. Mex.	36°25'38"/104°01'41";
Larrabee, Kans.; Garden City, Kans.	37°10'36"/100°29'46";
Wichita, Kans.; Ponca City, Okla.	37°43'40"/97°27'11";
Factory, Kans.; Butler, Mo.	38°57'48"/95°05'22";

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–17396 Filed 11–29–71;8:47 am]

[Airspace Docket No. 70–WA–43A]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On November 11, 1971, F.R. Doc. No. 71–16328 was published in the FEDERAL REGISTER (36 F.R. 21586) which amended Part 75 of the Federal Aviation Regulations, effective January 6, 1972, by adding several area high routes including J853R, Los Angeles, Calif., to Phoenix, Ariz. The purpose of this amendment to that document is to substitute a more refined geographic position for the one listed at the Seal Beach, Calif., waypoint and to improve signal coverage on the route by changing the reference facility for the Phoenix, Ariz., waypoint from Gila Bend, Ariz., to Phoenix, Ariz.

Since this amendment is editorial and minor in nature and no substantive change in the regulation or route is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (11-30-71), F.R. Doc. No. 71-16328 is amended as hereinafter set forth.

J853R, Los Angeles, Calif., to Phoenix, Ariz., is amended to read:

J853R, LOS ANGELES, CALIF., TO PHOENIX, ARIZ.

Seal Beach, Calif.; 33°47'00"/118°03'14"; Oceanside, Calif.
Kofa, Ariz.; 33°30'58"/113°53'17"; Yuma, Ariz.
Phoenix, Ariz.; 33°25'53"/111°53'17"; Phoenix, Ariz.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-17398 Filed 11-29-71;8:47 am]

[Airspace Docket No. 71-WA-16]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes

On November 11, 1971, F.R. Doc. No. 71-16327 was published in the FEDERAL REGISTER (36 F.R. 21586) which amended Part 75 of the Federal Aviation Regulations, effective January 6, 1972, by adding two area high routes, including J933R, Dallas, Tex., to Los Angeles, Calif. The purpose of this amendment to that document is to change the Texico, Tex., waypoint and reference facility to Texico, N. Mex., and to improve signal coverage on the route by adding the Chubbuck, Calif., waypoint between the Drake, Ariz., and Morrow, Calif., waypoints.

Since this amendment is editorial in nature and does not change the alignment of the route, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (11-30-71), F.R. Doc. No. 71-16327 (36 F.R. 21586) is amended as hereinafter set forth.

In J933R Dallas, Tex., to Los Angeles, Calif.:

a. "Texico, Tex. 34 29 42/102 50 21 Texico, Tex." is deleted and "Texico, N. Mex. 34 29 42/102 50 21 Texico, N. Mex." is substituted therefor.

b. "Morrow, Calif. 34 02 51/117 14 54 Oceanside, Calif." is deleted and "Chubbuck, Calif. 34 32 20/114 48 08 Parker, Calif., Morrow, Calif. 34 02 51/117 14 54 Oceanside, Calif." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on November 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-17400 Filed 11-29-71;8:47 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-398; Order 415-B]

PART 2—GENERAL POLICY AND INTERPRETATIONS

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

Implementation of National Environmental Policy Act

NOVEMBER 19, 1971.

Order amending §§ 2.80, 2.81, and 2.82 of the general rules and § 4.41 of the regulations under the Federal Power Act.

On December 4, 1970, the Commission issued order No. 415 (35 F.R. 18958, Dec. 15, 1970) which prescribed §§ 2.80-2.82 of its general policy and interpretations (18 CFR 2.80-2.82) and various related amendments to the Commission's regulations under the Federal Power and Natural Gas Acts. On April 13, 1971, the Commsision issued its order No. 415-A (36 F.R. 7232, Apr. 16, 1971) further clarifying the procedures in §§ 2.81 and 2.82. Experience in applying these regulations, as amended, and the Final Guidelines of the Council on Environmental Quality (36 F.R. 7724) demonstrated the desirability of once again proposing revisions to the Commission's Regulations for Implementation of the National Environmental Policy Act of 1969 (83 Stat. 852).

Accordingly, on July 7, 1971 (36 F.R. 13040, July 13, 1971), the Commission issued a notice of proposed rule making to amend §§ 2.80-2.82 of its "Statement of General Policy to Implement Procedures for Compliance with the National Environmental Policy Act of 1969", and § 4.41 of the Commission's regulations under the Federal Power Act. All interested persons were invited to submit comments for consideration in connection with the proposed amendments on or before August 9, 1971. A total of 12 comments were received.[1]

Many of the comments received were objections to Order No. 415 and not to the changes proposed in our July 7, 1971, notice.

Several comments expressed concern that the time limitations specified in the proposed § 2.80(c)(1)[2] would unduly delay procedures. This provision was added as a result of the recommendation contained in paragraph 10(b) of the Guidelines of the Council on Environmental Quality. It should be pointed out that these Guidelines are advisory. Our rule making procedures for compliance with the National Environmental Policy Act are subject to the provisions of the Administrative Procedure Act and must meet its requirements. Accordingly, after careful consideration, the Commission has determined that no significant delay need result from this limitation. However, for purposes of clarification: *It is ordered*, That § 2.80(c)(1) be changed to read as set forth below.

Section 2.81(b) as promulgated in Order 415, issued December 4, 1970 (35 F.R. 18958) requires each applicant as described in § 2.81(a) to submit a detailed statement environmental factors along with its application. The Commission, in order to assist other government agencies and other interested parties in complying with the provisions of section 4(e) of the Federal Power Act (41 Stat. 1065-1066; 49 Stat. 840-841; 61 Stat. 501; 16 U.S.C. 797(e)) and section 102(2)(C) of the National Environmental Policy Act (83 Stat. 853) and to facilitate publication of legal notices, has determined that it is desirable to make the applicant's environmental impact statement a self-contained exhibit to the application.

One comment expressed the concern that amending the Commission's regulations so as to have § 4.41 specify a new Exhibit W (the applicant's environmental impact statement) will involve unnecessary duplication of information required both in certain exhibits[3] to the application and the applicant's environmental impact statement. It should be pointed out that Exhibit W must be "self-contained". The applicant, if it so desires, is free to incorporate by reference in the environmental impact statement information required by other exhibits provided that such exhibits or pertinent extracts therefrom are attached to the environmental impact statement.

Since the promulgation of Order No. 415 the Commission has sent all section 102(2)(C) referrals to the Environmental Protection Agency. However, §§ 2.81 and 2.82 of Part 2, Subchapter A of 18 CFR have not explicitly designated the Environmental Protection Agency and

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[1] Timely comments filed on or before August 9, 1971, were submitted by: Columbia Gas System Service Corp.; Consolidated Edison Company of New York, Inc.; Edison Electric Institute; Kafin and Needleman; Chris C. Oynes; Pacific Gas and Electric Co.; Pennsylvania Power & Light Co.; Phillips Petroleum Co.; Southern California Edison Co.; and Southern Natural Gas Co.

Late filings were made by Virginia Electric and Power Co. (filed August 11, 1971); and the Northern Natural Gas Co. (filed August 23, 1971).

We have considered all the filings made in this docket.

[2] The proposed § 2.80(c)(1) stated:

To the maximum extent practicable no administrative action is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment and 30 days after the final text of our environmental statement has been made available to the Council on Environmental Quality and the public.

[3] Exhibit H requires a complete study of the hydrological effect of project operation; Exhibit S requires a complete study of the effect on fish and wildlife of project operation.

the Commission, through experience in applying these provisions, has determined that it is desirable that government agencies submitting these referrals provide the applicant and the other parties to the proceeding with a copy. Therefore, the Commission is amending the relevant portions of those sections by specifically naming the Environmental Protection Agency, the applicant, and the other parties to the proceeding.

The final guidelines of the Council on Environmental Quality recommend that "wherever an agency action related to air or water quality * * * or other provisions of the authority of the Administrator * * *" (of the Environmental Protection Agency (EPA)) the Administrator shall be allowed 45 days to make his section 102(2)(C) comment. It is felt that there is no reason to allow EPA 45 days for their comments, while limiting all other parties to a 30-day period. Therefore we have adopted a 45-day period in lieu of our earlier 30-day period for EPA and all others wishing to submit comments.

The purpose of the changes in §§ 2.81(b) and 2.82(b) is to clarify our procedures in regard to the preparation and circulation of environmental statements. For purposes of circulation for comment as required by section 102(2)(C) of the National Environmental Policy Act, the applicant's statement, as modified by §§ 2.81(b) and 2.82(b), will serve as the agency draft statement, in accord with the recommendations of the Council on Environmental Quality in section 7 of the Guidelines. Again, it should be pointed out that these Guidelines are recommendations, and that our procedures are governed by the Administrative Procedure Act. The procedures herein prescribed are more comprehensive than those recommended in the Guidelines.

This statement, with its attendant comments, will serve to delineate the issues upon which environmental evidence will be presented at the hearing. This will, of course, subject the initial statement to considerable analysis and possibly modification by the staff and all other parties, both during hearing and, after the environmental evidence has been fully developed, at the briefing stage.

We have decided that each applicant for a certificate within the scope of § 2.82(a) shall file an environmental statement as a part of its application. By this order we are deleting the abbreviated procedures previously available under § 2.82(b). Accordingly §§ 2.81(b) and 2.82(b) are amended to read as set forth below.

Wording in §§ 2.81(c) and 2.82(c) has been changed to reflect the changes in §§ 2.81(b) and 2.82(b). In addition, in order to clarify the status of the comments of the Environmental Protection Agency and the Council on Environmental Quality, the final sentence of §§ 2.81(e) and 2.82(e) is transferred to the final sentences of §§ 2.81(c) and 2.82(c). Accordingly, §§ 2.81(c) and 2.82(c) are modified to read as set forth below.

To further carry out our procedural implementation of the National Environmental Policy Act, to bring uniformity to our procedures, and to assure equal and adequate environmental consideration of all applications filed pursuant to §§ 2.81 and 2.82 of Part 2, Subchapter A of 18 CFR, the separate procedures set forth in §§ 2.81(f) and 2.82(f) for handling noncontested cases are hereby deleted. Henceforth all cases described above will be handled in the same manner.

Sections 2.81(g) and 2.82(g) are redesignated as §§ 2.81(f) and 2.82(f).

The Commission finds:

(1) The revisions to the statement of policy herein adopted result from review and consideration of the comments and suggestions received in response to the notice of proposed rule making issued July 7, 1971. However, these revisions differ in some respects from those proposed in that notice. In view of the great importance and urgency of environmental problems, it is essential that the Commission promulgate these procedures respecting environmental statements at this time. For the foregoing reasons, further compliance with the notice, public procedure and effective date provisions of 5 U.S.C. is impracticable and contrary to the public interest and good cause exists that the Commission adopt the revisions to the statement of policy set out in this order without further notice and public procedure and that the revisions herein adopted become effective upon the issuance of this order;

(2) The amendments to the Commission's general rules and regulations under the Federal Power Act adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the National Environmental Policy Act;

(3) Good cause exists that the amendments herein adopted become effective upon the issuance of this order.

The Commission acting pursuant to the provisions of the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311 and 312 (41 Stat. 1065, 1066, 1068, 1069, 1070, 1072; 46 Stat. 798, 49 Stat. 839, 840, 841, 842, 843, 844, 856, 857, 858, 859, 860, 61 Stat. 501, 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k), and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830, 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 7170), and the National Environmental Policy Act of 1969, Public Law 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854) orders:

(A) The Statements of General Policy to implement procedures for compliance with the National Environmental Policy Act of 1969 in Part 2—General Policy and Interpretations is revised to read as follows:

STATEMENT OF GENERAL POLICY TO IMPLEMENT PROCEDURES FOR COMPLIANCE WITH THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

§ 2.80 Detailed environmental statement.

(a) It shall be the general policy of the Federal Power Commission to adopt and to adhere to the objectives and aims of the National Environmental Policy Act of 1969 (Act) in its regulation under the Federal Power Act and the Natural Gas Act. The National Environmental Policy Act of 1969 requires, among other things, a detailed environmental statement in all major Federal actions and in all reports and recommendations on environmental legislative proposals which will significantly affect the quality of the human environment.

(b) Therefore, in compliance with the National Environmental Policy Act of 1969 we will make a detailed environmental statement when the regulatory action taken by us under the Federal Power Act and Natural Gas Act will have such significant environmental impact. A "detailed statement" prepared in compliance with the requirements of §§ 2.81 through 2.82 shall fully develop the five factors listed hereinafter in the context, among other relevant environmental factors, of such considerations as the proposed activity's direct and indirect effect on the ecology of the land, air, and water environment of the project or natural gas pipeline facility, and on aquatic and wildlife, and established park and recreational areas, on sites of natural, historic, and scenic values and resources of the area, on secondary significant environmental effects of the proposed activity and the conformity of the proposed activity with all applicable environmental standards. Such statement should also deal with the alternatives as compared with the proposal. The above factors are listed to merely illustrate the kinds of values that must be considered in the statement; in no respect is this listing to be construed as covering all relevant factors.

(1) The environmental impact of the proposed action,

(2) Any adverse environmental effects which cannot be avoided should the proposal be implemented,

(3) Alternatives to the proposed action,

(4) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(5) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(c) (1) Except as authorized by the Commission no action to construct a facility licensed or certificated by the Commission is to be taken sooner than 90 days after a draft environmental statement has been circulated for comment or 30 days after the final text of an environmental statement has been made available to the Council on Environmental Quality and the public.

(2) Upon a finding that it is necessary and appropriate in the public interest the Commission may dispense with any time period specified in §§ 2.80–2.82.

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under Part I of the Federal Power Act.

(a) A notice of all applications for major projects (those in excess of 2,000

horsepower) or for reservoirs only providing regulatory flows to down-stream (major) hydroelectric projects under Part I of the Federal Power Act for license or relicense, or amendment to license proposing construction or operating change in project works will be transmitted by the Commission to the Council on Environmental Quality, Environmental Protection Agency, and to appropriate governmental bodies, Federal, regional, State, and local with a request for comments on the environmental considerations listed in § 2.80. Notice of all such applications shall also be made as prescribed by law.

(b) All applications covered by paragraph (a) of this section shall be accompanied by Exhibit W, the applicant's detailed statement of the environmental factors specified in §§ 2.80 and 4.41. The Staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form. If it appears, based upon the application and the detailed statement, and a preliminary review thereof by staff, that the proposed action may be a major federal action significantly affecting the quality of the human environment, then staff shall cause the applicant's statement, as revised, to be made available to all interested governmental bodies and to the public for comments. For purposes of this section, the applicant's draft statement, as modified pursuant to this paragraph (b), shall be deemed to be information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of availability of the applicant's statement, as modified pursuant to this paragraph (b). A period of 45 days shall be afforded in which to submit written comments. The applicant shall, as requested, supply twenty-five copies or more of the statement, as revised (each copy to be accompanied by such supporting papers as are necessary) to the Federal Power Commission.

(c) All interveners taking a position on environmental matters shall file comments on the draft statement with the Commission including an explanation of their environmental position, specifying any differences with the applicant's detailed statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing 10 copies of their filing with the Council on Environmental Quality and at least one copy with the Environmental Protection Agency at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement. The comments of the Council on Environmental Quality, and the Environmental Protection Agency, if any, should be made in a written statement served upon the Commission's Secretary and all parties of record.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the initial decision of the Presiding Examiner in such cases shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a final detailed environmental statement as specified in § 2.80.

(f) Ten copies of all comments from governmental bodies—Federal, regional, State, and local—made pursuant to this section shall also be transmitted to the Council on Environmental Quality and at least one copy shall be transmitted to the Environmental Protection Agency, to the applicant, and to the parties to the proceeding within 15 days of Commission grant of intervention by the party filing such comments.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) A notice of all certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), except abbreviated applications filed pursuant to § 157.7 (b), (c), (d), and (e) of this title will be transmitted by the Commission to the Council on Environmental Quality and the Environmental Protection Agency. Notice of all certificate applications will continue to be published as prescribed by law, and transmitted to other appropriate Federal and State governmental bodies.

(b) All applications covered by paragraph (a) of this section shall be accompanied by the applicant's detailed statement of the environmental factors specified in § 2.80. The staff shall make an initial review of the applicant's statement and issue, if necessary, any deficiency letters as to sufficiency of form. If it appears, based upon the application and the detailed statement, and a preliminary review thereof by staff, that the proposed action may be a major Federal action significantly affecting the quality of the human environment, then staff shall cause the applicant's statement, as revised, to be made available to all interested governmental bodies and to the public for comments. For purposes of § 2.82 the applicant's draft statement, as modified pursuant to this paragraph (b), shall be deemed to be information comparable to an agency draft statement pursuant to section 7 of the Guidelines of the Council on Environmental Quality. The Secretary of the Federal Power Commission shall cause prompt publication in the FEDERAL REGISTER of notice of availability of the applicant's statement, as modified pursuant to this paragraph (b). A period of 45 days shall be afforded in which to submit written comments. The applicant shall, as requested, supply 25 copies or more of the statement, as revised (each copy to be accompanied by such supporting papers as are necessary) to the Federal Power Commission.

(c) All interveners taking a position on environmental matters shall file comments on the draft statement with the Commission including an analysis of their environmental position, specifying any difference with the applicant's detailed statement upon which intervener wishes to be heard and including therein a discussion of that position in the context of the factors enumerated in § 2.80, at a time specified by the Commission or the Presiding Examiner. All interveners shall be responsible for filing ten copies of their filing with the Council on Environmental Quality, and at least one copy with the Environmental Protection Agency at the time they file with the Commission and shall also supply a copy of such filing to all participants to the proceeding. Nothing herein shall preclude an intervener from filing a detailed environmental statement. The comments of the Council on Environmental Quality, and the Environmental Protection Agency, if any, should be made in a written statement served upon the Commission Secretary and all parties of record.

(d) The applicant, staff, and all interveners taking a position on environmental matters should offer evidence for the record in support of their environmental position, filed in compliance with the provisions of this section.

(e) In the case of each contested application the initial and reply briefs filed by the applicant, the staff, and all interveners taking a position on environmental matters should specifically analyze and evaluate the evidence in the light of the environmental criteria enumerated in § 2.80. Furthermore, the initial decision of the Presiding Examiner in such cases shall include an evaluation of the environmental factors enumerated in § 2.80 and the views and comments expressed in conjunction therewith by the applicant and all those making formal comment pursuant to the provisions of this section. If the Commission grants the application, its final order shall include a final detailed environmental statement as specified in § 2.80.

(f) Ten copies of all comments from governmental bodies—Federal, regional, State and local—made pursuant to this section shall also be transmitted to the Council on Environmental Quality and at least one copy shall also be transmitted to the Environmental Protection Agency, to the applicant and to the parties to the proceeding within 15 days of Commission grant of intervention by the party filing such comments.

(B) The Commission amends § 4.41 Required Exhibits in Part 4, Subchapter B, Regulations under the Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations by adding immediately following Exhibit V, a new paragraph entitled Exhibit W to read as follows:

§ 4.41 Required exhibits.

* * * * *

Exhibit W. Applications covered by 18 CFR 2.81(a) shall be accompanied by an applicant's environmental statement. Such statement shall comply with the detailed requirements set down in 18 CFR 2.80–2.81, and shall include a one-page summary of the statement. Furthermore, such statement with its supporting papers shall be self-contained.

(C) The amendments adopted herein shall be effective upon issuance of this order.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-17380 Filed 11-29-71;8:48 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

SUBCHAPTER M—INTERNATIONAL TRAFFIC IN ARMS

[Dept. Reg. 108.649]

PART 124—MANUFACTURING LICENSE AND TECHNICAL ASSISTANCE AGREEMENTS

PART 125—UNCLASSIFIED TECHNICAL DATA AND CLASSIFIED INFORMATION (DATA AND EQUIPMENT)

Information Required in Agreements and Exemptions From Requirement

Parts 124 and 125 of Title 22 of the Code of Federal Regulations are revised or amended as set forth below.

1. Section 124.10(n)(2) is revised to read as follows:

§ 124.10 Required information in agreements.

* * * * *

(n) * * *

(2) If the U.S. Government is obligated or becomes obligated to pay licensor royalties, fees, or other charges for the use of technical data or patents which are involved in the manufacture, use, or sale of any licensed item, any royalties, fees or other charges in connection with purchases of such licensed item from licensee or its sublicensees with funds derived through the Military Assistance Program or otherwise through the U.S. Government shall not exceed the total amount the U.S. Government would have been obligated to pay the licensor.

* * * * *

2. Section 125.11(a)(8) is amended to read as follows:

§ 125.11 General exemptions.

(a) * * *

(8) If it consists of additional copies of technical data previously approved for export to the same recipient; or if it consists of revised copies of technical data, provided it pertains to the identical Munitions List article, and the revisions are solely editorial and do not add to the content of technology previously approved for export to the same recipient.

* * * * *

Effective date. These changes in the regulations are effective upon publication in the FEDERAL REGISTER (11–30–71).

(Sec. 414, as amended, 68 Stat. 848; 22 U.S.C. 1934; secs. 101, 105, E.O. 10973, 26 F.R. 10469; sec. 6, Departmental Delegation of Authority No. 104, 26 F.R. 10608, as amended, 27 F.R. 9925; Redelegation of Authority No. 104–3–A, 28 F.R. 7231; Redelegation of Authority No. 104–7, 35 F.R. 3243; Redelegation of Authority No. 104–7–A, 35 F.R. 5423, 5424)

Dated: November 17, 1971.

[SEAL] WILLIAM P. ROGERS, *Secretary of State.*

[FR Doc.71-17409 Filed 11-29-71;8:49 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER B—PERSONNEL; MILITARY AND CIVILIAN

PART 77—MORTGAGE INSURANCE FOR SERVICEMEN TO AID IN CONSTRUCTION OR PURCHASE OF HOMES

The Deputy Secretary of Defense approved the following:

Sec.
77.1 Purpose and applicability.
77.2 Definitions.
77.3 Policy and authorities.
77.4 Delegation of authority.
77.5 Forms.

AUTHORITY: The provisions of this Part 77 issued under sec. 222, National Housing Act, as amended (12 U.S.C. 1715m).

§ 77.1 Purpose and applicability.

(a) This part provides policy guidance to the Military Departments in implementation of section 222, National Housing Act, as amended (12 U.S.C. 1715m), and delegates authority conferred upon the Secretary of Defense by section 222, National Housing Act, as amended (12 U.S.C. 1715m) to issue certificates of eligibility and to prescribe other necessary instructions.

§ 77.2 Definitions.

As used in this part:

(a) "Eligible serviceman" means a person to whom the Secretary of Defense or his designee has issued a certificate of eligibility indicating that such person is serving on active duty in the Armed Forces of the United States and has so served for a period of more than 2 years and requires housing. A person ordered to active duty for training purposes only is not an eligible serviceman.

(b) "Period of Ownership by Serviceman" as defined by the Federal Housing Administration (FHA) means that period of eligibility during which the Military Department concerned is required to pay the mortgage insurance premiums to the FHA. For purposes of administration by the Department of Defense, this period shall commence with the date the FHA endorses a loan for mortgage insurance hereunder and shall terminate when the Secretary of Defense or his designee furnishes the Commissioner of the FHA with certification that the Military Service concerned will no longer be liable for the mortgage insurance premiums by reason of the serviceman's (1) death, with no surviving widow as owner of the property; (2) discharge or separation from active duty (except when reenlisted the next day); (3) termination of ownership of the property covered by such loan or other termination of eligibility; or (4) specific request.

(c) "Housing" means a dwelling unit designed for a one family residence or a one family unit in a condominium for occupancy by the serviceman as his home.

(d) "FHA" means the Federal Housing Administration, Department of Housing and Urban Development.

§ 77.3 Policy and authorities.

(a) Home loans as provided in the National Housing Act, as amended, shall be made available to eligible members of the Armed Forces.

(b) The respective Military Departments will issue a certificate of eligibility to any member of the Armed Forces currently serving on active duty who has more than 2 years of active service, and who certifies that he requires housing. A further certificate may be issued when (1) the period of ownership has terminated, (2) a serviceman surrenders an expired certificate of eligibility or (3) he certifies an unused or expired certificate has been lost or destroyed.

(c) An eligible serviceman may be issued a certificate of eligibility if he assumed/assumes a mortgage indebtedness (transferred from another person) either prior or subsequent to the date of this part.

(1) However, payments for mortgage insurance premiums prior to August 1, 1968, will not be made by the Military Department concerned.

(2) Where mortgage insurance premiums are currently being paid by a military service on a serviceman's loan, an additional certificate will not be issued.

(d) Only one certificate of eligibility may be issued to a serviceman under the terms of this part unless the Secretary of a Military Department determines that due to military orders or an emergency the denial of an additional certificate would cause hardship or an inequity to the serviceman. Any additional certificates issued will be subject to the provisions of (c)(2) of this section.

(e) Payments for all mortgage insurance premiums on a loan of a deceased serviceman, who leaves a surviving widow as owner of the property, will be made by the military department concerned for 2 years beyond the date of the serviceman's death, or until the date the widow disposes of the property, dies, or remarries, whichever date occurs first.

(1) The benefit of this section shall be extended to a surviving widow whose serviceman husband died not more than 2 years prior to August 1, 1968, except that payments of mortgage insurance premiums prior to August 1, 1968, in these cases will not be made by the military department concerned.

(2) Payments for all mortgage insurance premiums on loans will be made by a designated activity of the military departments following receipt of vouchers forwarded directly to it by the FHA. Additionally, a designated activity of the military departments will notify a surviving widow of the cost of mortgage insurance premiums when payments of the premiums are to be discontinued by the military departments.

(f) Mortgage insurance on property purchased by a serviceman receiving a certificate of eligibility under this part will be governed by applicable FHA regulations.

§ 77.4 Delegation of authority.

The authority to issue certificates of eligibility and terminate eligibility is hereby delegated to the Secretaries of the Army, Navy, and Air Force for their respective Departments, subject to the provisions of this part. The authority may be redelegated to Commanders of echelons within each of the Military Services where personnel records are maintained.

§ 77.5 Forms.

(a) DD Form 802, Request for and Certificate of Eligibility[1] will be used to make a request for Certificate of Eligibility, Certification by the Military Service, and to record the FHA action as to endorsement or rejection.

(b) DD Form 803, Certificate of Termination[1] will be used by the Military Services for the purpose of notifying FHA of termination of ownership.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.71-17417 Filed 11-29-71;8:50 am]

[1] Filed as part of original document. Copies are available through administrative channels of each of the Military Services.

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	4¾	Nov. 11, 1971
New York	4¾	Nov. 19, 1971
Philadelphia	4¾	Nov. 11, 1971
Cleveland	4¾	Do.
Richmond	4¾	Nov. 12, 1971
Atlanta	4¾	Nov. 15, 1971
Chicago	4¾	Nov. 12, 1971
St. Louis	4¾	Nov. 11, 1971
Minneapolis	4¾	Do.
Kansas City	4¾	Nov. 12, 1971
Dallas	4¾	Nov. 11, 1971
San Francisco	4¾	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	5¼	Nov. 11, 1971
New York	5¼	Nov. 19, 1971
Philadelphia	5¼	Nov. 11, 1971
Cleveland	5¼	Do.
Richmond	5¼	Nov. 12, 1971
Atlanta	5¼	Nov. 15, 1971
Chicago	5¼	Nov. 12, 1971
St. Louis	5¼	Nov. 11, 1971
Minneapolis	5¼	Do.
Kansas City	5¼	Nov. 12, 1971
Dallas	5¼	Nov. 11, 1971
San Francisco	5¼	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	6¾	Nov. 11, 1971
New York	6¾	Nov. 19, 1971
Philadelphia	6¾	Nov. 11, 1971
Cleveland	6¾	Do.
Richmond	6¾	Nov. 12, 1971
Atlanta	6¾	Nov. 15, 1971
Chicago	6¾	Nov. 12, 1971
St. Louis	6¾	Nov. 11, 1971
Minneapolis	6¾	Do.
Kansas City	6¾	Nov. 12, 1971
Dallas	6¾	Nov. 11, 1971
San Francisco	6¾	Do.

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357)

By order of the Board of Governors, November 19, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17329 Filed 11-29-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 71-151]

PART 25—CLAIMS

Subpart C—Claims in Favor of the United States

STANDARDS FOR EXERCISE OF DELEGATED AUTHORITY

This amendment revises the regulations governing the suspension or termination of collection activities on claims in favor of the United States in order to make them consistent with the policy of the Justice Department on referrals of claims reflected in the regulations in Chapter II of Title 4, Code of Federal Regulations.

Since this amendment concerns agency policy, it is exempt from the notice and hearing requirements of 5 U.S.C. 553 and may be made effective upon publication in the FEDERAL REGISTER (11-30-71).

In consideration of the foregoing, Part 25 of Title 33 of the Code of Federal Regulations is amended by revising § 25.319 to read as follows:

§ 25.319 Referral to U.S. attorney.

(a) A designee under § 25.301(b)(2) within whose command a claim under this subpart arises or to whom a claim is referred, may refer any such claim not exceeding his monetary jurisdiction on which collection action has been taken and which cannot be compromised or on which collection action cannot be suspended or terminated in accordance with 4 CFR Ch. II, directly to the appropriate U.S. attorney for collection. The Chief Counsel may refer a claim to the Department of Justice or the General Accounting Office as may be necessary.

(b) No collection action of $400 or more may be suspended or terminated by an officer to whom authority is delegated under this subpart on the ground that it is likely that the cost of further collection will exceed the amount recoverable thereby.

(14 U.S.C. 633, 647, 31 U.S.C. 952; 49 U.S.C. 1655(b)(1); 49 CFR 89.1(b))

Effective date. This revision shall become effective on November 30, 1971.

Dated: November 19, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc.71-17419 Filed 11-29-71;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 1—Federal Procurement Regulations

[Federal Procurement Regs.; Temporary Reg. 23]

PART 1-1—GENERAL

Stabilization of Prices, Rents, Wages, and Salaries

1. *Purpose.* This regulation amends the Federal Procurement Regulations to provide procedures designed to facilitate the stabilization of prices, rents, wages, and salaries.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (11-30-71).

3. *Expiration date.* This regulation will continue in effect until canceled or until the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971, expire.

4. *Background.* Executive Order 11615, August 15, 1971, provided for the stabilization of prices, rents, wages, and salaries. Federal Procurement Regulations, Temporary Regulation 22 provided procedures which implemented that order. Executive Order 11627, October 15, 1971, superseded the earlier order and included the following provision:

SEC. 13. All orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

This temporary regulation of the Federal Procurement Regulations continues, on a modified basis, the requirements previously prescribed by Federal Procurement Regulations, Temporary Regulation 22. The changes which have been made involve the inclusion of appropriate references to Executive Order 11627, October 15, 1971.

5. *Effect on other issuances.* FPR Temporary Regulation 22 remains in effect with respect to outstanding contracts and solicitations. New solicitations and contracts shall be handled as required by this regulation.

6. *Explanation of change.* Section 1-1.321 is added as follows:

§ 1-1.321 Stabilization of prices, rents, wages, and salaries.

By Executive Order 11615, August 15, 1971, the President stabilized prices, rents, wages and salaries. Pursuant to the Executive order, the President's Regulations and Purchasing Review Board stated:

The U.S. Government is the largest purchaser of goods and services in the World. That Government purchasing power should be used to the full extent the law permits to support the recently announced Federal Price-Wage-Rent freeze. In placing Government contracts for goods and services, officials should consider, as a decisive factor, whether contractors are in compliance with the Price-Wage-Rent freeze in all of their transactions.

This section prescribes procedures for carrying out the purpose of the Executive order.

§ 1-1.321-1 Solicitations.

Price certifications shall be included in all solicitations (invitations for bids and requests for proposals), excluding small purchases under $2,500 and any contracts resulting therefrom (see § 1-1.321-2). A price certification is prescribed in paragraph (a) of this section and an alternate price certification is prescribed in paragraph (b) of this section which may be employed as provided therein.

(a) *Price certification.* Agencies shall satisfy the requirements of this section by employing the price certification set forth in this paragraph (a), except to the extent that the price certification prescribed in paragraph (b) of this section is authorized for use.

PRICE CERTIFICATION

(a) By submission of this bid (offer) bidder (offeror) certifies that he is in compliance and will continue to comply with the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971, for the duration thereof and further certifies that the prices bid (offered) herein conform to the requirements of Executive Order 11615, as superseded by Executive Order 11627, October 15, 1971, or shall be reduced accordingly at the time of any billings that are made during the effective period of the Executive order.

(b) Prior to the payment of invoices under this contract, the Contractor shall place on, or attach to, each invoice submitted the following certification:

I hereby certify that amounts invoiced herein do not exceed the lower of (i) the contract price, or (ii) maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts for supplies or services issued under this contract.

(b) *Alternate price certification.* The price certification set forth in this paragraph may be employed in lieu of the certification in paragraph (a) of this section only in those situations which do not involve the submission of invoices.

PRICE CERTIFICATION

(a) By submission of this bid (offer) bidder (offeror) certifies that he is in compliance and will continue to comply with the requirements of Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

(b) Acceptance of any payments for property, goods, or services furnished during the effective period of the Executive order shall constitute a certification by the Contractor that the amounts paid do not exceed the maximum levels established in accordance with Executive Order 11615, as superseded by Executive Order 11627.

(c) The Contractor agrees to insert the substance of this clause, including this paragraph (c), in all subcontracts.

§ 1-1.321-2 Notification of contractors.

Contracting officers shall notify all contractors with existing contracts (i.e., a contract which does not contain a price certification as prescribed in § 1-1.321-1) and all contractors awarded contracts under $2,500 except (a) those made with imprest funds (see § 1-1.321-6), and (b) other small purchases as provided by individual agency procedures, of their obligations under Executive Order 11615, as superseded by Executive Order 11627. This shall be accomplished by issuance of a notice, as provided in paragraph (a) or (b) of this section, whichever is appropriate.

(a) Notice to contractors:

Reference is made to your Contract No.(s) _____.

You are hereby notified of your following obligations under Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971:

Prior to payment of invoices submitted under each contract, you must place on, or attach to, each invoice or other payment document submitted the following certification:

I hereby certify that amounts invoiced herein do not exceed the lower of (1) the contract price, or (2) maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

Payments will not be made on invoices submitted under the above noted contract unless certification, as prescribed above, has been completed.

(b) Alternate notice to contractors:

Acceptance of any payments for property, goods, or services furnished during the effective period of the Executive order shall constitute a certification by the Contractor that amounts paid do not exceed the maximum levels established in accordance with Executive Order 11615, August 15, 1971, as superseded by Executive Order 11627, October 15, 1971.

§ 1-1.321-3 Absence of certification in solicitations.

Solicitations which do not include a certification as required by § 1-1.321-1 shall be handled as follows:

(a) In formally advertised procurements, invitations for bids which do not include the certification shall be amended to include the certification where there is sufficient time to amend the invitation prior to the time (including permissible time extensions) set for the opening of bids.

(b) In negotiated procurements where awards have not been made, requests for proposals shall be amended to include the certification.

(c) Where invitations for bids and requests for proposals include the certification requirement and bidders and offerors decline to comply with the certification, their bids and offers shall be deemed to be nonresponsive.

(d) In formally advertised procurements, where the invitation for bids did not include the certification requirement and the requirement was not included by an amendment of the invitation, awards shall be made in accordance with established procedures. Prior to award, however, such bidders shall be notified in the same manner provided in § 1-1.321-2 for existing contracts that they will be subject to the procedures of the applicable price certification prescribed in § 1-1.321-2.

§ 1-1.321-4 Violations.

Reported and suspected violations of Executive Order 11615, as superseded by Executive Order 11627, October 15, 1971, which are brought to the attention of contracting personnel, shall be reported in accordance with agency procedures.

§ 1-1.321-5 Payments.

(a) Where the procedure prescribed in paragraph (b) of the price certification in § 1-1.321-1(a) and the procedure in § 1-1.321-2(a) are employed, payment shall not be made until the contractor has complied with the procedure.

(b) Where the alternate notice to contractors prescribed in paragraph (b) of § 1-1.321-2 is employed, payment shall not be made until the notice has been acknowledged by the contractor in the manner prescribed by agency procedures or some other appropriate form of certification has been obtained.

§ 1-1.321-6 Imprest funds.

Individuals authorized to place imprest fund orders shall not place such orders with concerns which are in known violation of Executive Order 11615, as superseded by Executive Order 11627. Further, such individuals shall report violations in accordance with agency procedures.

§ 1-1.321-7 Execution of certification.

Invoices which otherwise satisfy the requirements of the finance offices receiving such invoices need not be signed by contractors executing the certification in order to satisfy the certification requirements of this regulation.

ROBERT L. KUNZIG,
Administrator of General Services.

NOVEMBER 22, 1971.

[FR Doc.71-17411 Filed 11-29-71;8:49 am]

Chapter 14R—Office of Saline Water, Department of the Interior

PART 14R-9—PATENTS AND DATA

On page 11694 of the FEDERAL REGISTER of July 22, 1970 there was published a notice and text of proposed patent and data regulations for the Office of Saline Water in the Department of the Interior.

Interested persons were given sixty (60) days within which to submit written comments, suggestion or objections to the proposed regulations. A number of these have been received and all were duly considered. The proposed regulations, modified in some aspects as a result of the material submitted, are hereby adopted and are set forth below. These regulations shall become effective 45 days after the date of publication in the FEDERAL REGISTER.

WARREN F. BRECHT,
Deputy Assistant Secretary of the Interior.

NOVEMBER 22, 1971.

Sec.

AUTHORITY: The provisions of this Part 14R-9 issued under 5 U.S.C. 1964 ed., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950, 15 F.R. 3174.

§ 14R-9.000 Scope of part.

These regulations and contract clauses set forth the policies of the Office of Saline Water in the area of patents and data.

§ 14R-9.001 Contracting officer to consult with Solicitor.

(a) All authority of the Secretary of the Department of the Interior with respect to patent policies and procedures has been delegated to the Solicitor of the Department (Departmental Manual, Part 210, Chapter 2, paragraph 210.2.2A(5)). Therefore, any action under any contract provision required of the contracting officer (or other official having administrative authority over the contract) which affects the disposition of rights in inventions and in the related area of data, shall be taken only after consultation with and approval of the Solicitor of the Department. No modification or alteration of any contract provision in these areas shall be made by the contracting officer without the express written authorization of the Solicitor. Requests for deviation shall be submitted to the Solicitor and the reasons for the actions requested set forth.

(b) The Office of the Solicitor shall be consulted for policies, instructions, and contract clauses concerning inventions, patents, and data for use in contracts which are to be performed outside the United States, its possessions and Puerto Rico.

Subpart 14R-9.1—Inventions and Patents

§ 14R-9.100 Scope of subpart.

(a) This subpart prescribes contract clauses and instructions which define and implement the policy of the Office of Saline Water of the Department of the Interior with respect to inventions made in the course of or under a contract which in whole or in part is for experimental, developmental or research work.

(b) Definitions of various terms employed in this subpart are to be found in § 14R-9.101-9.

§ 14R-9.101 Statutory requirements.

The Department of the Interior is charged with the administration of the Saline Water Act of 1971, Public Law 92-60, wherein the disposition of patent rights in inventions is governed by a specific statutory provision. Section 6(d) states:

> All research within the United States contracted for, sponsored, cosponsored, or authorized under authority of this Act, shall be provided for in such manner that all information, uses, products, processes, patents, and other developments resulting from such research developed by Government expenditure will (with such exceptions and limitations, if any, as the Secretary may find to be necessary in the interest of national defense) be available to the general public. This subsection shall not be so construed as to deprive the owner of any background patent relating thereto of such rights as he may have thereunder * * *

This same language in the earlier Saline Water Act, Public Law 87-295 (42 U.S.C. 1954(b)) has been interpreted, after a thorough review of the legislative history, as meaning that inventions and resulting patents, etc., arising out of research under the authority of the Act must be made available royalty-free. See Solicitor's Memorandum M-36637 of May 7, 1962, 69 I.D. 54 (1962).

§ 14R-9.101-1 Patent clause requirement.

All Office of Saline Water contracts which are in whole or in part for experimental, developmental, or research work shall contain the patent clause set out at § 14R-9.101-9.

§ 14R-9.101-2 Definitions.

The definitions of various key terms employed in the regulations and patent clause are set forth in paragraph (a) of § 14R-9.101-9, the patent clause.

§ 14R–9.101–2.1 Specified work object.

The term "specified work object" relates to the tangible device or specific process upon which the research and development work is being conducted and is in existence or is known prior to the contract. For example, in a contract for improving the permeability ratio of a reverse osmosis membrane of a stated composition, the membrane that is being experimented with would be the "specified work object". The difference between this term and the objective of the contract is that the latter is the goal sought in the research effort (in this case an improved permeability ratio), whereas the former relates to the material being worked upon. Under the contract provisions, any background patent necessary to the practice of a Specified Work Object for water desalination will be made available either through commercially available embodiments or through licensing as set forth in § 14R–9.101–9 (d).

In some types of research, such as basic research where the primary object is the development of new knowledge as distinct from the improvement of an existing device or process, there may well be no specified work object. In such case the following may be added, with the approval of the Solicitor, to paragraph (g)(12) of § 14R–9.101–9, of the patent clause:

(12) In view of the nature of the research work under this contract, the definition of Specified Work Object given in paragraph (a)(11) of this section is inapplicable in the patent clause. It is agreed, therefore, that all obligations relating to, or flowing from, a Specified Work Object have no force and effect in this patent clause.

§ 14R–9.101–2.2 Contractor.

The definition of "Contractor" in the patent clause may in some unusual cases give rise to situations which could cause serious difficulties in contracting. Subject to the approval of the Solicitor, deviations may be made in the definition as are deemed necessary to accommodate the specific problems presented and still attain the main objectives of the Department of the Interior's patent policy as expressed in the regulations.

§ 14R–9.101–3 Domestic patent rights.

All patents arising out of R. & D. contracts under the Saline Water Act are required to be made available to the public in the United States royalty-free. This is carried out in paragraph (b) of the patent clause (§ 14R–9.101–9(b)) by having the Government take title to all inventions made under such contracts. The contractor is granted a royalty-free license under such inventions.

§ 14R–9.101–4 Exclusion of inventions.

(a) Under the terms of the patent clause, an invention is considered made under the contract if it was first conceived or first actually reduced to practice in the course of or under the contract. Where the contractor alleges at the time of contracting that an identified invention was conceived prior to the execution of the contract, and a patent application has been filed or will be filed, he may acquire the right to have the invention excluded from being considered a subject invention even though it is later actually reduced to practice under the contract. The contractor may acquire this right if he can provide evidence sufficient to convince the Contracting Officer that the work actually performed by him had brought the invention to the point of engineering practicality prior to the contract, and an actual reduction to practice under the contract will require no more than routine work. However, data developed in connection with work on the invention in the course of or under the contract are subject to the provisions of the Data clause § 14R–9.202 and the Government has a shop right to practice the invention if it is held not to be a subject invention.

(b) When applicable, the following paragraphs shall be inserted in the contract as paragraph (b)(3) of the patent clause (§ 14R–9.101–9) to cover this aspect:

An invention which has not been actually reduced to practice may be excluded from being considered a Subject Invention even though it is subsequently actually reduced to practice in the course of or under the Contract if:

(i) The Contractor has demonstrated to the Contracting Officer at the time of contracting, or at a time subsequent thereto as set forth in the Schedule, that such invention was described in a patent application or in a suitable documented written disclosure furnished to the Contracting Officer and had been developed to the point of engineering practicality prior to this Contract by laboratory or design work, or both, and

(ii) A subsequent actual reduction to practice under this Contract did not require the exercise of invention or extensive experimentation, and

(iii) A U.S. patent application on said invention is filed prior to the termination of the Contract.

As used herein "extensive experimentation" shall be deemed to have taken place when the labor cost involved under the Contract in making the actual reduction to practice amounts to either (1), 15 or more percent of the total labor cost under the Contract, or (2), at least 10,000 dollars.

Upon the Contractor's request and without undue delay, after the actual reduction to practice the circumstances will be reviewed and a determination will be made whether the invention would be considered a Subject Invention. It is agreed that the Government has a shop right to practice, for Governmental purposes, any such invention held not to be a Subject Invention. Any dispute regarding the rights of the parties under this paragraph shall be subject to the Disputes Clause of this Contract.

§ 14R–9.101–5 Foreign rights.

Title to subject invention foreign rights will normally be waived to the Contractor upon his request except when the Government, because of a compelling public interest, determines to retain such rights.

§ 14R–9.101–6 Background patents.

(a) *Statutory provisions concerning background patents.* The Act provides generally that nothing contained therein shall be construed as to deprive the owner of any background patent rights. No prohibition against a patent owner agreeing by contract to enter into a license arrangement respecting his background patents is seen therein. However, care must be taken to make sure that such a contract is equitable. Generally speaking, it is the policy of OSW not to require licensing of background patents provided the invention involved therein is available commercially at reasonable prices.

(b) *License to the public.* Under the Saline Water Act, all patents, information, developments, etc., made under a research and development contract are required to be made available to the public. If the contractor has a dominating background patent, he can, by a restrictive licensing policy inhibit the use of a subject invention by the public, with the result that the Government's expenditure of funds for research intended to benefit the public at large would go for naught. To minimize this possibility, the background provisions in the Patent Rights clause sets forth in § 14R–9.101–9(d) that dominating background patents will be made available for use for water desalination in conjunction with the results of the research effort. To this end the contractor agrees to grant a license to any responsible applicant on reasonable terms, except where an embodiment of the dominating background patent is commercially available (or will be made so by a specified date) in a form which can be employed in the practice of either a subject invention or the specific subject matter of the research. In the latter case licensing is not required. The contractor may, of course, grant an unlimited license under his background patents.

(1) It should be noted that where a contractor employs an embodiment of his patent in work on a specific work object for convenience only, there being other functionally equivalent substitutes available, he would not be required to license the patent for use with the specified work object. Should a subject invention be made which is dominated by such patent, then licensing would be required if an embodiment is not commercially available.

(2) The background requirements are satisfied if a contractor makes his dominating background patent available through the commercial sale of a product in which the background patent, together with the foreground developments are joined. However, march-in rights are reserved to assure availability of the results of the research and development work.

(3) Where a contractor's parent or affiliated company controls a patent, not a commercial item, which would be background if held by the contractor, the patent clause at § 14R–9.101–9(d)(8) requires the contractor to aid in securing a license for qualified applicants.

(c) *License to the Government.* (1) Where the embodiment of a background patent is not available commercially, the Government should not be obligated to pay royalties to do pilot plant, test bed or test module work in the field of technology of the contract using such background patents since, if successful, the

result of such work will enhance the value of contractor's background.

(2) Since in many cases the purpose of the Government-sponsored research is to further develop a contractor's background invention, the Government should receive some recognition for its contribution if it wishes to employ such invention for any U.S. Government use. Accordingly, the patent clause provides that the Government will obtain a license on such background patent at a reasonable royalty which shall recognize the Government's contributions toward the commercial development or enhancement of the patent. Section 14R–9.101–9 (d) (4) of the patent clause covers these aspects.

(d) *Limitations on use of background patent to a process.* Where the research and development work involves the employment of a contractor's background patent in a process under parameters and conditions different from those which are employed in his commercial process, the requirement to license such background patent to the public for use in conjunction with the specified work object is limited to the conditions and parameters reasonably equivalent to those employed in the work under the contract. This would avoid the possibility of a license being acquired under the background patent which would enable the practice of contractor's commercial process, although the work under the contract called for different operating parameters.

(e) *Antitrust.* While agreements pursuant to the background and foreign rights clauses would not in the great majority of cases be violative of the antitrust laws, it may be possible to devise an arrangement thereunder which would be in restraint of trade. Accordingly, nothing herein is to be construed as relieving any person from the operation of the antitrust laws as regard a specific agreement entered into pursuant to these regulations and contract provisions.

§ 14R–9.101–7 Subcontracts.

Flowdown of patent rights to the Government in subcontracts is covered by the patent clause at § 14R–9.101–9(e).

§ 14R–9.101–8 Reporting of related inventions.

(a) In many cases a contractor conducts research on his own account parallel to that conducted under a Government contract during the same period, and sometimes with the same personnel. In order to enable the Government to determine whether or not an invention made by the contractor in the field of research contemplated by the contract is a subject invention, the patent article provides for reporting, during prescribed periods, all inventions made by the contractor which are related to the work under the contract. Additional information is to be furnished to the Government on request. Failure to report or to supply the information requested places on the contractor the duty of going forward with the evidence under any subsequent proceeding.

(b) If the contractor alleges that the reporting of related inventions would result in excessive administrative costs because of his large size and far-flung organization or other valid reasons, the contracting officer may limit the reporting requirement to a more limited segment of the organization conducting the research. However, the contractor will still be required to furnish information concerning any invention at the specific request of the contracting officer. This subject matter is covered by the patent clause in § 14R–9.101–9(f).

§ 14R–9.101–9 Patent clause.

(a) *Definitions.* (1) "Background Patent" means a foreign or domestic patent (regardless of its date of issue relative to the date of this Contract):

(i) Which the Contractor, but not the Government, has the right to license to others, and

(ii) Infringement of which cannot be avoided upon the practice of a Subject Invention or Specified Work Object.

(2) "Commercial Item" means:

(i) Any machine, manufacture or composition of matter which, at the time of a request for a license pursuant to paragraph (d) of this section, has been sold, offered for sale or otherwise made available commercially to the public in the regular course of business, at terms reasonable in the circumstances, and

(ii) Any process which, at the time of a request for a license, is in commercial use, or is offered for commercial use, so the results of the process or the products produced thereby are or will be accessible to the public at terms reasonable in the circumstances.

(3) "Contract" means any contract, agreement, grant, or other arrangement, or subcontract entered into with or for the benefit of the Government where a purpose of the contract is the conduct of experimental, developmental, or research work.

(4) "Contractor" means any individual, partnership, public or private corporation, association, institution or other entity which is a party to the contract and includes entities controlled by the contractor. The term "controlled" means the direct or indirect ownership or more than 50 percent of the outstanding stock entitled to vote for the election of directors, or a directing influence over such stock: *Provided, however,* That foreign entities not wholly owned by the contractor shall not be considered as "controlled" for purposes of this patent clause. For the purposes of the patent clause grantees are deemed contractors.

(5) "Domestic" and "foreign" refer, respectively, (i) to the United States of America, including its territories and possessions, Puerto Rico and the District of Columbia and (ii) to countries other than the United States of America.

(6) "Government" means the Federal Government of the United States of America.

(7) "Governmental purpose", as used herein, means the right of the Government to practice throughout the world by or on its behalf for any and all Government uses.

(8) "Made", when used in connection with any invention, means the conception or first actual reduction to practice of such invention.

(9) To "practice an invention or patent" means the right of a licensee on his own behalf to make, have made, use or have used, sell or have sold, or otherwise dispose of according to law, any machine, design, manufacture or composition of matter physically embodying the invention, or to use or have used the process or method comprising the invention.

(10) "Secretary" means the Secretary of the Interior, or his authorized representative.

(11) "Specified Work Object" means the specific process, method, machine, manufacture or composition of matter (including relatively minor modifications thereof) which is the subject of the experimental, developmental, or research work performed under this contract.

(12) "Subcontract" means any agreement made or purchase order executed by a Contractor or Subcontractor where the supplies or services covered by such agreement or purchase order are being obtained for use in the performance of this contract and a purpose of the subcontract is the conduct of experimental, developmental or research work.

(13) "Subcontractor" means any person holding a subcontract under this contract or any lower-tier subcontract under this contract.

(14) "Subject Invention" means any invention, discovery, improvement or development (whether or not patentable) made in the course of or under this contract or any subcontract (of any tier) thereunder.

(15) "Saline water" as used herein includes sea water, brackish water, mineralized ground or surface water, irrigation return flows and other chemically contaminated waters which contain chemicals susceptible to removal by desalting processes.

(16) "Desalination of saline water" means the treatment of saline water to remove chemical constituents therefrom and produce water having a quality suitable for beneficial consumptive uses. The term does not include (i) treatment of milk, fruit and vegetable or other plant juices, alcoholic beverages, tea, coffee, oil, etc., wherein the desired product is a concentrate or a dewatered material and the water removed is at most of secondary importance, (ii) treatment of potable water meeting either Federal or local public standards for human consumption to produce water intended for a private, industrial or commercial use in excess of these standards and (iii) treatment of water used in an industrial process to recover valuable minerals or chemicals introduced by such process.

(b) *Domestic patent rights in Subject Inventions.* (1) The Contractor agrees that he will promptly disclose to the Contracting Officer in writing each Subject Invention in a manner sufficiently complete as to technical details to convey to one skilled in the art to which the Invention pertains a clear understanding of the nature, purpose, operation and, as the case may be, the physical, chemical, biological, or electrical characteristics of the Invention. However, if any Subject Invention is obviously unpatentable under the patent laws of the United States, such disclosure need not be made thereon. On request of the Contracting Officer, the Contractor shall comment respecting the differences of similarities between the Invention and the closest prior art drawn to his attention.

(2) The Contractor agrees to grant and does hereby grant to the Government the full and entire domestic right, title and interest in the Subject Invention. The Government agrees to grant to the Contractor and does hereby grant a royalty-free and nonexclusive license to practice the Subject Invention. The license shall extend to any existing and future companies, controlled by, controlling or under common control with the Contractor and shall be assignable to the successor of the part of the Contractor's business to which such invention pertains.

(c) *Foreign rights and obligations.* (1) Subject to the waiver provisions of subparagraph (2) of this paragraph, it is agreed that the entire foreign right, title and interest in any Subject Invention shall be in the Government, as represented for this purpose by the Secretary. The Government agrees to grant and does hereby grant to the Contractor a royalty-free nonexclusive license to practice the Invention under any patent obtained on such Subject Invention in any foreign country. The license shall extend to existing and any future companies controlled by, controlling or under common control with the contractor, and shall be assignable to the successor of the part of the Contractor's business to which such Invention pertains.

(2) The Contractor may request the foreign rights to a Subject Invention at any time subsequent to the reporting of such Invention. The response to such request and notification thereof to the Contractor will not be unreasonably delayed. The Government will waive title to the Contractor to such Subject Invention in foreign countries in which the Government will not file an application for a patent for such Invention, or otherwise secure protection therefor. Whenever the contractor is authorized to file in any foreign country the Government will not thereafter proceed with filing in such country except on the written agreement of the Contractor, unless such authorization has been revoked pursuant to subparagraph (3) of this paragraph.

(3) In the event the Contractor is authorized to file a foreign patent application on a Subject Invention, the Government agrees that it will use its best efforts not to publish a description of such Invention until a United States or foreign application on such invention is filed, whichever is earlier, but neither the Government, its officers, agents or employees shall be liable for an inadvertent publication thereof. If the Contractor is authorized to file in any foreign country, he shall, on request of the Contracting Officer, furnish to the Government a patent specification in English within six (6) months after such authorization is granted, prior to any foreign filing and without additional compensation. The Contracting Officer may revoke such atuhorization on failure on the part of the Contractor to file any such foreign application within nine (9) months after such authorization has been granted.

(4) If the Contractor files patent applications in foreign countries pursuant to authorization granted under subparagraph (2) of this paragraph, the Contractor agrees to grant to the Government an irrevocable, nonexclusive, royalty-free license to practice the Invention under any patents which may issue thereon in any foreign country, including the power to issue sublicenses, either for governmental purposes or pursuant to any existing or future treaties or agreement between the Government and a foreign government for governmental purposes of said foreign government, or both. The Contractor further agrees to grant under such foreign patents a nonexclusive, nontransferable, royalty-free license to any applicant therefor who is a licensee of the Government under a corresponding U.S. patent, patent application or invention, to sell and to use, but not to make, any composition of matter, article or manufacture, apparatus or system, made by such applicant under the license granted by the Government. Said applicant must be a U.S. citizen or a U.S. corporation in which 75 percent of the voting stock is owned by U.S. citizens.

(5) In the event the Government or the Contractor elects not to continue prosecuting any foreign application or to maintain any foreign patent on a Subject Invention, the other party shall be notified not less than sixty (60) days before the expiration of the response period or maintenance tax due date, and upon written request, shall execute such instruments (prepared by the party wishing to continue the prosecution or to maintain such patent) as are necessary to enable such party to carry out its wishes in this regard.

(d) *License under Background Patents.* (1) Contractor agrees that he will make his Background Patent available for use in conjunction with a Subject Invention or Specified Work Object for water desalination purposes. This may be done (i) by making available an embodiment of the Subject Invention or Specified Work Object, which incorporates the invention covered by the Background Patent, as a Commercial Item, or (ii), by the sale of an embodiment of a Background Patent as a Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object or can be so employed with relatively minor modifications, or (iii), by the licensing of the domestic Background Patent at reasonable royalty to responsible applicants on their request.

(2) If the Secretary determines after a hearing that the quality, quantity, or price of embodiments of the Subject Invention or Specified Work Object sold or otherwise made available commercially as set forth in subparagraph (1) (i) of this paragraph is unreasonable in the circumstances, he may require the Contractor to license such domestic Background Patent to a responsible applicant at reasonable terms, including a reasonable royalty, solely for water desalination purposes for use in connection with (i) a Specified Work Object, or (ii) a Subject Invention.

(3) (i) When a license to practice a domestic Background Patent in conjunction with a Subject Invention or Specified Work Object is requested, in writing, for water desalination by a responsible applicant, and such Background Patent is not available as set forth in subparagraph (1) (i) or (ii) of this paragraph, the Contractor shall have 6 months from the date of his receipt of such request to decide whether to make such Background Patent so available. The Contractor shall promptly notify the Contracting Officer of any request in writing for a license to practice a Background Patent in conjunction with a Subject Invention or Specified Work Object, which the Contractor or his exclusive licensee wish to attempt to make available as set forth in subparagraph (1) (i) or (ii) of this paragraph.

(ii) If the Contractor decides to make such domestic Background Patent so available either by himself or by an exclusive licensee, he shall so notify the Secretary within the said six (6) months, whereupon the Secretary shall then designate the reasonable time within which the Contractor must make such Background Patent available in reasonable quantity and quality, and at a reasonable price. If the Contractor or his exclusive licensee decides not to make such Background Patent so available, or fails to make it available within the time designated by the Secretary, the Background Patent shall be licensed to a responsible applicant at reasonable terms, including a reasonable royalty, in conjunction with (*a*) a Specified Work Object, or (*b*) a Subject Invention, and may be limited by the licensor to water desalination purposes solely.

(iii) The Contractor agrees to grant or have granted to a designated applicant, upon the written request of the Government, a nonexclusive license at reasonable terms, including reasonable royalties, under any foreign Background Patent in furtherance of any treaty or agreement between the Government of the United States and a foreign government for the governmental purposes of such foreign government if an embodiment of the Background Patent is not commercially available in that country. Such license may be limited by the licensor to the practice of such Background Patent in conjunction with the Subject Inventions or Specified Work Objects for water desalination.

(iv) The Contractor agrees it will not seek injunctive relief or other prohibition of the use of the invention in enforcing its rights against any responsible applicant for such license and that it will not join with others in any such action. It is understood and agreed that the foregoing shall not affect the Contractor's right to injunctive relief or other prohibition of the use of Background Patents in areas not connected with the practice of a Subject Invention or Specified Work Object for water desalination, or where the Contractor has made available a Commercial Item as set out in subparagraph (1) (i) or (ii) of this paragraph.

(4) For use in water desalination in conjunction with a Subject Invention or a Specified Work Object, the Contractor agrees to grant to the Government a license under any Background Patent. Such license shall be nonexclusive, nontransferable, royalty-free and worldwide to practice such Patent which is not available as a Commercial Item as specified in subparagraph (1) (ii) of this paragraph for use of the Government in connection with pilot plants, test beds, and test modules. Subject to the royalty-free license provided for in this subparagraph and to any license provisions set forth elsewhere in this patent clause, or in other contracts or agreements, any royalty charged the Government under such license shall be reasonable and shall give due credit and allowance for the Government's contribution, if any, toward the making, commercial development or enhancement of the invention(s) covered by the Background Patent.

(5) Any license granted under a process Background Patent for use with a Specified Work Object may be additionally limited by the Contractor to employment of the Background Patent under conditions and parameters reasonably equivalent to those called for or employed under the contract.

(6) It is understood and agreed that the Contractor's obligation to grant licenses under Background Patents shall be limited to the extent of the Contractor's right to grant the same without breaching any unexpired contract it had entered into prior to this contract or prior to the identification of a Background Patent, or without incurring any obligation to another solely on account of said grant. However, where such obligation is the payment of royalties or other compensation, the Contractor's obligation to license his Background Patents shall continue and the reasonable license terms shall include such payments by the applicant as will at least fully compensate the Contractor under said obligation to another.

(7) On the request of the Contracting Officer the Contractor shall identify and describe any license agreement which would limit his right to grant a license under any Background Patent.

(8) In the event the Contractor has a parent or an affiliated company, which has the right to license a patent which would be a Background Patent if owned by the Contractor, but which is not available as a Commercial Item as specified in subparagraph (1) (i) or (ii) of this paragraph, and a qualified applicant requests a license under such patent for the purpose of water desalination in connection with the use of a Subject Invention or Specified Work Object, the Contractor shall, at the written request of the Government, recommend to his parent company, or affiliated company, as the case

may be, the granting of the requested license on reasonable terms, including reasonable royalties, and actively assist and participate with the Government and such applicant, as to technical matters and in liaison functions between the parties, as may reasonably be required in connection with any negotiations for issuance of such license. For the purpose of this subparagraph, (i) a parent company is one which owns or controls, through direct or indirect ownership of more than 50 percent of the outstanding stock entitled to vote for the election of directors, another company or other entity and, (ii) affiliated companies are companies or other entities owned or controlled by the same parent company.

(e) *Subcontracts.* (1) The Contractor, shall, unless otherwise authorized or directed by the Contracting Officer, include a patent clause containing provisions that correspond to those of this clause, except for the "withholding of payment" provision, in any subcontract hereunder where a purpose of the subcontract is the conduct of experimental, developmental or research work. In the event of refusal by a subcontractor to accept this clause, the Contractor:

(i) Shall promptly submit a written report to the Contracting Officer setting forth the subcontractor's reasons for such refusal or the reasons the Contractor is of the opinion that the inclusion of this clause is inappropriate, and other pertinent information which may expedite disposition of the matter; and

(ii) Shall not execute the subcontract without the written authorization of the Contracting Officer.

The Contractor shall not in any subcontract, or by using such subcontract as consideration therefor, acquire any rights to Subject Inventions for his own use (as distinguished from such rights as may be required solely to fulfill his contract obligations to the Government in the performance of this contract). Reports, instruments and other information required to be furnished by a subcontractor to the Contracting Officer under the provisions of a patent clause in a subcontract hereunder may, upon mutual consent of the Contractor and the subcontractor (or by direction of the Contracting Officer) be furnished to the Contractor for transmission to the Contracting Officer.

(2) The Contractor, at the earliest practicable date, shall also notify the Contracting Officer in writing of any subcontract containing a patent clause, furnish him a copy of such clause and notify him when such subcontract is completed. It is understood that the Government is a third party beneficiary of any subcontract clause granting rights in Subject Inventions, Background Patents, and pursuant to paragraph (f) of this section, and the Contractor hereby assigns to the Government all rights that the Contractor would have to enforce the subcontractor's obligations with respect to Subject Inventions, Background Patents, and pursuant to paragraph (f) of this section. The Contractor shall join with the Government at the Government's request and expense in any legal action to secure the Government's rights.

(f) *Related inventions.* (1) The Contractor shall submit to the Contracting Officer within six (6) months after the submission of the final report required by paragraph (g) (6) of this section, written information concerning the conception of actual reduction to practice, or both, as may be applicable, of every invention made by the Contractor pertaining to the work called for in this contract which was conceived or first actually reduced to practice within the period of three (3) months prior, during, or three (3) months subsequent to the term of this contract, which invention would be a Subject Invention if made under this contract, but which the Contractor believes was made outside the performance of work required under this contract. The Contracting Officer may require additional information to be furnished in confidence by the Contractor. At the request of the Contracting Officer made during or subsequent to the term of the contract, including any extensions for additional research and development work, the Contractor shall furnish information concerning any other invention which appears to the Contracting Officer to reasonably have the possibility of being a Subject Invention.

(2) All information supplied by the Contractor hereunder shall be of such nature and character as to enable the Contracting Officer reasonably to ascertain whether or not the invention concerned is a Subject Invention. Failure to furnish such information called for herein shall, in any subsequent proceeding, place on the Contractor the burden of going forward with the evidence to establish that such invention is not a Subject Invention. If such evidence is not then presented the invention shall be deemed to be a Subject Invention. After receipt of information furnished pursuant hereto, the Contracting Officer shall not unduly delay rendering his opinion on the matter. In the case of a contract, the Contracting Officer's decision shall be subject to the Disputes Clause of such contract, and in the case of a grant, the decision shall be subject to appeal to the Secretary or his duly authorized representative. The Contractor may furnish the information required under this paragraph (f) as Contractor confidential information, which shall be identified as such.

(g) *General provisions.* (1) The Contractor shall obtain the execution of and deliver to the Contracting Officer any document relating to Subject Inventions as the Contracting Officer may require under the terms hereof to enable the Government to file and prosecute patent applications therefor in any country and to evidence and preserve its rights. Each party hereto agrees to execute and deliver to the other party on its request suitable documents to evidence and preserve license rights derived from this clause.

(2) The Government and the Contractor shall promptly notify each other of the filing of a patent application on a Subject Invention in any country, identifying the country or countries in which such filing occurs and the date and serial number of the application, and on request shall furnish a copy of such application to the other party and a copy of any action on such patent application by any Patent Office and the responses thereto. Any applications or responses furnished shall be kept confidential.

(3) Any other provisions of this clause notwithstanding, the Contracting Officer, or his authorized representative shall, until the expiration of three (3) years after final payment under this Contract, have the right to examine in confidence any books, records, documents, and other supporting data of the Contractor which the Contracting Officer or his authorized representative shall reasonably deem directly pertinent to the discovery or identification of Subject Inventions or to the compliance by the Contractor with the requirements of this patent clause.

(4) Notwithstanding the grant of a license under any patents to the Government pursuant to any provisions of this clause, the Government shall not be prevented from contesting the validity, enforceability, scope, or title of such licensed patent.

(5) The Contractor shall furnish to the Contracting Officer interim reports every 6 months, or such other time interval as may be required in this contract, the initial period of which shall commence with the date of this contract. Each report shall list all Subject Inventions required to be disclosed which were made during the interim reporting period or certify that there are no such unreported Inventions.

(6) The Contractor shall submit a final report under this contract listing all Subject Inventions required to be disclosed which were made in the course of the work performed under this contract, and all subcontracts entered into containing a patent clause. If to the best of the Contractor's knowledge and belief, no Subject Inventions have resulted from this contract, the Contractor shall so certify to the Contracting Officer. If there are no such subcontracts, a negative report is required.

(7) The interim and final reports required under paragraph (g) (5) and (6) of this section shall be submitted on Form DI–1216 and Subject Invention disclosures required under paragraph (b) (1) of this section shall be submitted on Form DI–1217 or an equivalent approved by the Contracting Officer. Such reports and disclosures shall be submitted in triplicate to the Contracting Officer, who will furnish copies of the DI forms on request.

(8) Any action required by or of the Government under this clause shall be undertaken by the Contracting Officer as its duly authorized representative unless otherwise stated.

(9) The Government may duplicate and disclose reports and disclosures of Subject Inventions required to be furnished by the Contractor pursuant to this article without additional compensation.

(10) The Contractor shall furnish to the Contracting Officer, in writing, and as soon as practicable, information as to the date and identity of any first public use, sale or publication of any Subject Invention made by or known to the Contractor, of any contemplated publication of the Contractor.

(11) The Secretary shall determine the responsibility of an applicant for a license under any provision of this patent clause when this matter is in dispute and his determination thereof shall be final and binding.

(12) All information furnished in confidence pursuant to this patent clause shall be clearly identified by an appropriate written legend. Such information shall not be, or shall cease to be confidential if it is or becomes generally available to the public, or has been made or becomes available to the Government (i) from other sources, or (ii) by the Contractor without limitation as to use, or was already known to the Government when furnished to it.

(h) *Withholding of payment.* This section does not apply to a grant to, or a no-fee contract with, an educational institution. If the Contractor fails to deliver to the Contracting Officer the interim reports required by paragraph (g) (5) of this section or fails to furnish the written disclosures for all Subject Inventions required by paragraph (b) (1) of this section, shown to be due in accordance with any interim report delivered under paragraph (g) (5) of this section or otherwise known to be unreported, there shall be withheld from payment until the Contractor shall have corrected such failure either ten percent (10%) of the amount of this contract, as from time to time amended, or ten thousand dollars ($10,000), whichever is less. After payment of eighty percent (80%) of the amount of the contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of the amount of this contract or ten thousand dollars ($10,000), whichever is less, shall have been set aside. Final payment under the contract shall not be made before the Contractor delivers to the Contracting Officer:

(1) The final report required by paragraph (g) (6) of this section;

(2) Written disclosures for all inventions required by paragraph (b) (1) of this section which are shown to be due in accordance with interim reports delivered under paragraph (g) (5) of this section or in accordance with such final report, or are otherwise known to be unreported; and

(3) The information as to subcontracts required by paragraph (c) (2) of this section. No amount shall be withheld under this subparagraph when the amount specified by this subparagraph is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This subparagraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provision of a subcontract. In cost-type contracts, "amount of this contract" shall mean "estimated cost of this contract".

(i) *Warranties.* (1) The Contractor warrants that whenever he has divested himself of the right to license any Background Patent (or any invention owned by the Contractor which could become the subject of a Background Patent) prior to the date of this contract, such divestment was not done to avoid the licensing requirements set forth in paragraph (d) of this section. After a Background Patent, or invention which could become the subject of a Background Patent, is identified, the Contractor shall take no action which shall impair the performance of his obligation to issue Background Patent Licenses pursuant to this contract.

(2) The Contractor warrants that he will take no action which will impair his obligation to assign to the Government any invention first actually reduced to practice in the course of or under the contract.

(3) The Contractor warrants that he has full authority to make obligations of this article effective, by reason of agreements with all of the personnel, including consultants (other than subcontractor personnel and consultants) who might reasonably be expected to make inventions, and who will be employed in work on the project contemplated by this contract, to assign to the Contractor all discoveries and inventions made within the scope of their employment.

Subpart 14R–9.2 Data

§ 14R–9.200 Scope of subpart.

This subpart prescribes the contract clauses and instructions which define and implement the research and development data policies of the Office of Saline Water in the Department of the Interior.

§ 14R–9.201 Data requirements.

(a) All contracts which are in whole or in part for experimental, developmental or research work shall contain the data clause set forth in § 14R–9.202 which specifies that all data developed under the contract shall be delivered to the Government without any limitation as to its use. Certain proprietary data, however, need not be delivered, as set forth in paragraph (b) (2) of R14–9.202, of the Data clause, although licensing thereof may be required under particular circumstances, as set forth in paragraph (c) (3) of R14–9.202 of the Data clause. The schedule of the contract may contain such specific provisions for the furnishing of data as may have been requested by the cognizant technical office or the contracting officer. Where additional definition of the data is required, the schedule provisions may specify the specific data which the Government wants to have furnished.

(b) The contractor cannot be granted the right to obtain a copyright on any work produced under a contract awarded under the Saline Water Conversion Act, Public Law 87–295 as amended, 42 U.S.C. sections 1951–1958g, which requires all information, uses, products, patents or other developments resulting from research carried out under the authority of the Act to be available to the public.

(c) When computer software is to be generated under a contract, property rights of the Government therein must be suitably provided for. The Rights in Data provisions of the Data clause (14R–9.202(c)) accomplishes this purpose.

§ 14R–9.202 Data clause.

(a) *Definitions.* For the purpose of the Data clause, the following terms have the meanings set forth below:

(1) "Data" means writings, recordings, pictorial reproductions, drawings, or other graphic representations and works of any similar nature whether or not copyrighted. The term includes computer information stored on computer listings, tapes, disks, cards and the like. However, it does not include information incident to contract administration such as financial reports and cost analyses.

(2) "Proprietary Data" means data developed at private expense providing information concerning the details of a contractor's secrets of manufacture, such as may be contained in, but not limited to, his manufacturing methods or processes, treatment and chemical composition of materials, plant layout, and tooling, to the extent that such information is not readily disclosed by inspection or analysis of the product itself and to the extent that the contractor has protected such information from unrestricted use by unauthorized parties.

(3) "Subject Data" means data specified to be delivered or which in fact is delivered under this contract, other than Proprietary Data.

(4) As used in this clause "Standard Commercial Items" means supplies or services which are available commercially to the public by sale or otherwise.

(5) "Contract" and "contractor" are equivalent to "grant" and "grantee" respectively.

(6) "Specified Work Object" and "Subject Invention" are as defined in § 14R–9.101–9(a) (11) and (14).

(b) *Data and reporting.* (1) (i) Commensurate with scope of the work and in the manner, at the times and in the number of copies specified in the schedule, the Contractor shall furnish the data required in the reports set forth herein to the extent the data are of the type which can reasonably be expected to be developed under the contract. If any of such data are in the public domain or copyrighted, it will be sufficient for the Contractor to identify the data and furnish a citation as to where they may be found. No material which is copyrighted by others shall be included in the reports furnished hereunder without written authorization of the Contracting Officer, unless such material is identified to the Contracting Officer and the Contractor secures from the copyright holder a worldwide irrevocable, royalty-free and nonexclusive license under the copyright for the Government to reproduce, translate, publish, use, dispose of and to authorize others to do the same.

(ii) Reports required:

(*a*) Progress reports as required in sufficient detail to disclose all work accomplished and results achieved during the period concerned, including recommendations for any modification, extension or limitation of the work to be performed;

(*b*) A complete final technical report summarizing the state of the art and covering all work accomplished and results achieved under this contract, and including conclusions and recommendations derived therefrom. The final report shall include a complete disclosure of all materials, processes, and equipment employed, and shall be in such full, clear, concise and exact detail, including data such a mathematical, graphic and written descriptive materials and other means of disclosure appropriate in the circumstances, to enable any person skilled in the art to achieve the results of the work performed under the contract to the extent possible. The Contractor shall furnish, to the extent applicable, drawings, specifications, and necessary operating and maintenance instructions concerning any equipment, item or process developed under the contract to enable any person skilled in the art to make and use such equipment and perform such process by application of the most advanced state of the art achieved in the performance of this contract. Where appropriate, the report shall include recommendations for further improvements which would advance the future state of the art based on knowledge acquired in the performance of this contract. If this contract is with an individual or an educational institution and the right to publish has not been reserved by the Government, the Contracting Officer may at his option accept as the final technical report a publication describing the results accomplished in the research under the contract together with a report setting forth such additional information as may be necessary to complete the information specified hereinabove; provided however, that a copy of the manuscript for such publication must have been submitted to the Contracting Officer for informational purposes at least 90 days prior to the date of publication or such shorter period as may be agreed to by the Contracting Officer.

(*c*) An intermediate complete report of all work for the period concerned, of the character required under subdivision (*a*) of this subparagraph, shall be furnished when required by the Contracting Officer (*1*) upon completion of the work in each specified phase, (*2*) upon completion of all work performed up to the time of each contract amendment, if any, extending the period of performance, (*3*) upon termination, for whatever reason, prior to expiration of the time of performance, and (*4*) from time to time as may be directed by the Contracting Officer, provided however, that an adjustment in the contract price or fee may be made for the furnishing of such report under this provision (*4*).

(2) The following data need not be furnished in the reports required in paragraph (b) (1) of this section:

(i) Data for a Standard Commercial Item which is incorporated as a component part in or to be used with the product or process being developed if in lieu thereof the Contractor identifies the source and furnishes characteristics (including performance specifications, when necessary) sufficient to enable procurement of the part or an adequate substitute;

(ii) Proprietary Data which is used or to be used with the product or process being developed or used in the work performed under the contract, if in lieu thereof the Contractor shall identify such Proprietary Data

to the Contracting Officer in a manner sufficient to enable use of such product or performance of such process, or the full comprehension of the work performed.

(3) The Contractor shall submit to the Contracting Officer, at his request, a report of all studies made in planning the work, and in developing background research for the work, including citation references to all such background research compiled in connection with the performance of this contract; provided however, that an adjustment in the contract price or fee shall be made for the furnishing of such report.

(4) The complete final technical report submitted, or publication manuscript furnished in lieu thereof, as required in subparagraph (b) (ii) of this paragraph shall be accompanied by a transmittal letter advising if the report discloses any Subject Invention required to be reported under paragraph 9.101-9(b). The Department of the Interior and/or Contractor case number, or other suitable means shall be used to identify the invention. If the report does not disclose any Subject Invention, the transmittal letter shall so state.

(c) *Rights in data.* (1) The physical items by which the data produced under this contract are presented, as for example, the research reports, notebooks, recordings, photographs, computer information storage means and the like, shall become the property of the Government. The Contractor shall preserve and retain custody of the same at his own expense. The Government shall have the right to have access to them at all reasonable times and they may be used by the Government for any purpose whatsoever without any claim for compensation by the Contractor. The Contractor shall furnish such data items or copies thereof to the Contracting Officer at his request. The original data items shall not be destroyed by the Contractor without approval by the Contracting Officer or without giving the Government the opportunity to take over the retention of such originals.

(2) The Government may publish, reproduce, and use all Subject Data in any manner and for any purpose, without limitation and may authorize others to do the same. The Contractor agrees that he will not assert any copyright at common law or equity and will not establish any claim to a statutory copyright on such Subject Data.

(i) A contractor who is either an educational institution or an individual in the field of education may publish a report on the results of his work performed under this contract, provided that a manuscript of such report shall be submitted to the Contracting Officer for informational purposes at least ninety (90) days prior to publication on such shorter time as may be agreed to by the Contracting Officer. Other contractors, as for example, profit-making or not-for-profit contractors, may publish such report after submitting the manuscript to the Contracting Officer and obtaining his written permission. All such publications shall give due credit to the Office of Saline Water unless otherwise requested by the Contracting Officer. A transmittal letter as set forth in paragraph (b) (4) of this section shall accompany the manuscript advising whether any Subject Invention is disclosed therein. The Contractor agrees to and hereby grants to the Government a nonexclusive, irrevocable and royalty-free license to publish, reproduce and use such report in any manner and for any purpose without limitation, and to authorize or ratify publication, reproduction or use by others. The Contractor agrees not to make Subject Data available to others without the written approval of the Contracting Officer prior to disclosure of such Data by the Government or the publication thereof as set forth above, except to (*a*) representatives of the Contracting Officer and (*b*) other Office of Saline Water contractors for use solely in Office of Saline Water contracts. Any disclosures made under (*b*) above shall be reported pursuant to paragraph (b) (1) of § 14R-9-202 of the Data clause.

(3) If Proprietary Data as set forth in paragraph (b) (2) (ii) of this section is necessary for the efficient practice of a Subject Invention or a Specified Work Object, the Contractor agrees to grant a license for such practice of the Data in conjunction with a Subject Invention or a Specified Work Object for water desalination to any responsible applicant on his written request at reasonable terms and conditions, including reasonable restrictions against disclosure of the Proprietary Data: *Provided, however,* That such license need not be granted if at the time of the request the Proprietary Data are incorporated in a Standard Commercial Item in a form which can be employed in the practice of a Subject Invention or Specified Work Object for water desalination or can be so employed with relatively minor modifications. Any disputes as to the responsibility of an applicant or the necessity of the Proprietary Data shall be determined by the Secretary whose determination of fact in this regard shall be final and binding. It is agreed that any responsible applicant is a third party beneficiary under this clause.

(4) Nothing contained in this Data Clause shall be construed to imply a license under any patent, or be construed as altering the scope of any right of the Government in and to any invention whether or not patented.

(5) All Proprietary Data furnished the Contracting Officer shall be specifically identified by an appropriate written legend as being Contractor confidential. Such Data shall not be, or shall cease to be confidential, and the Government's confidentiality obligations with respect thereto shall terminate if the Data are or become generally available to the public, or have been made or become available to the Government (i) from other sources or (ii) from the Contractor without limitation as to use, or were already known to the Government when furnished to it.

(6) Notwithstanding any provisions of this contract concerning inspection and acceptance, the Government shall have the right at any time to modify, remove, obliterate, or ignore any marking not authorized by the terms of this contract on any piece of Subject Data furnished under this contract.

[FR Doc.71-17361 Filed 11-29-71;8:48 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER B—ARCHIVES AND RECORDS

PART 101-11—RECORDS MANAGEMENT

Subpart 101-11.8—Standard and Optional Forms

CODIFICATION OF STANDARD FORMS

Section 101-11.809-2 is amended to reflect the revision and title change of revised Standard Form 95, February 1971, Claim for Damage, Injury, or Death.

Section 101-11.809-3 is amended by prescribing a new Standard Form 93, Report of Medical History, which replaces Standard Form 89, Report of Medical History. Standard Form 90, Health Qualification Placement Record, is now obsolete and is deleted.

Sections 101-11.809-2(f) and 101-11.809-3(a) are revised to read as follows:

§ 101-11.809-2 Standard forms for reporting accidents and for processing claims under the Federal Tort Claims Act.

* * * * *

(f) Revised Standard Form 95, February 1971, Claim for Damage, Injury, or Death, is to be completed by or on behalf of the person having sustained the damage, injury, or death.

§ 101-11.809-3 Standard forms for medical examination and clinical and health records.

* * * * *

(a) Unless an exception is granted by NARS (§ 101-11.804-2), the standard medical examination forms listed below are mandatory for use in general types of medical examinations, medical histories, and in employment health records for military and civilian personnel, for beneficiaries of Government programs which involve medical records, and for civil airmen subject to regulations of the Federal Aviation Administration. At the discretion of a Federal agency, the forms may also be used (1) for medical examination of persons other than employees of the Government and (2) in place of special medical examination forms such as those required in retirement cases, in claims for injuries, or for treatment following injuries. These standard medical examination forms are as follows:

Standard Form No.	*Title*
SF 78, Revised June 1961 (for use when required by the U.S. Civil Service Commission).	Certificate of Medical Examination.
SF 88, Revised June 1956.	Report of Medical Examination.
SF 93, January 1971 (for use when required by the Federal Government).	Report of Medical History.

* * * * *

(Sec. 205(c) 63 Stat. 390, 40 U.S.C. 486(c))

Effective date: This regulation is effective upon publication in the FEDERAL REGISTER (11-30-71).

Dated: November 22, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-17412 Filed 11-29-71;8:49 am]

Title 45—PUBLIC WELFARE

Chapter X—Office of Economic Opportunity

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Reporting Salaries of $10,000 or More

Chapter X of Title 45 of the Code of Federal Regulations is amended by adding a new Subpart 1069.5 reading as follows:

Sec.
1069.5-1 Applicability of this subpart.
1069.5-2 Policy.

AUTHORITY: The provisions of this Subpart 1069.5 issued under sec. 610-1(b), 81 Stat. 716; 42 U.S.C. 2951.

§ 1069.5-1 Applicability of this subpart.

All grant programs financially assisted under titles I-D, II, and III-B of the Economic Opportunity Act of 1964, as amended, if the assistance is administered by OEO.

§ 1069.5-2 Policy.

(a) All grantees receiving financial assistance from the Office of Economic Opportunity shall submit to OEO, no later than July 31 of each year, an annual report of all grantee and delegate agency employees employed as of the prior June 30 in a program financially assisted by OEO, whose annualized salary rate was $10,000 or more (biweekly rate of $384.63 or more).

(b) This report must be submitted in duplicate by grantees using OEO Form 242.[1] This report must be submitted in time to be received by OEO before July 31 of each year. The report should be sent to the OEO Office which administers the grant in question; for most Community Action Agencies, this will be the appropriate OEO Regional Office.

(c) Although the report is required by statute only for grantees under titles I-A and II, OEO is requiring for administrative and information purposes that the report be submitted by all OEO grantees.

WESLEY HJORNEVIK,
Deputy Director.

[FR Doc.71-17360 Filed 11-23-71;8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18632; FCC 71-1044]

PART 81—STATIONS ON LAND IN MARITIME SERVICES

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Stations of the Maritime Services in Alaska; Report and Order

Correction

In F.R. Doc. 71-15748 appearing at page 20949 in the issue of Tuesday, November 2, 1971, the following changes should be made:

1. In § 81.132(a) the figure "400" in the second line of item (6)(ii) in the table should read "4,000".

2. In § 81.206(a) the second figure in the table under column 22 reading "2248" should read "22485".

3. In § 81.304(a) the following changes should be made in the carrier frequency table:

a. Under frequency 2430 the seventh condition use figure reading "8" should read "38".

b. The first carrier frequency in the center column on page 20961 reading "2754.4" should read "8754.4".

c. The frequency reading "82688.5" in the center column of page 20961 should read "22688.5".

d. The heading MHz should be inserted above the carrier frequency reading "156.750".

4. In § 81.306(b)(13) the date in the third line should read "April 1 to December 15".

5. In § 81.306(c) the tabular entry in column (3) under Note 2 for Memphis, Tenn., reading "8210.0" should read "8210.8".

6. The tabular material appearing at the top of the second and third columns on page 20971 should be transferred to appear under § 83.132(a).

7. In § 83.351(a) the space in the carrier frequency listings following 4072.4 should carry an entry reading "4072.4".

8. In § 83.351(b) the section citations in the first line of subparagraph (72) reading in part "82.224, 82.233" should read "83.224, 83.233".

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. No. 1072]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 10th day of November 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer exists on the Maine Central Railroad Co.; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a very severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by this railroad are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1072 Service Order No. 1072.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (4), (5), and (6) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, ICC R.E.R. 381, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length 50 feet or longer, owned by the Maine Central Railroad Co.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Boxcars described in subparagraph (1) of this paragraph shall not be back-hauled empty from a junction with the car owner.

(4) Except as otherwise authorized in paragraphs (5) and (6) herein, boxcars described in subparagraph (1) of this paragraph, located in States other than Maine, Massachusetts, or New Hampshire, may be loaded to any station located in the States of Maine, Massachusetts, or New Hampshire. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(5) Boxcars described in subparagraph (1) of this paragraph, located at stations in the States of Maine, Massachusetts, or New Hampshire, may be loaded only to stations on the lines of the car owner or to any station which is a junction with the car owner. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(6) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be back-hauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(7) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty or loaded, as authorized by subparagraph (4), (5), or (6) of this paragraph.

(8) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 381, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

[1] OEO Form 242 is available through normal supply channels of the Office of Economic Opportunity:

Office of Economic Opportunity Warehouse, 5458 Third Street NE., Washington, DC 20011.

(9) The Maine Central Railroad Co. shall restrict its use of plain boxcars of the type described in this order, which are owned by any other railroad, to traffic destined to a station closer to the car owner than the station at which the car is loaded, or to traffic routed via the car owner.

EXCEPTION: For the purpose of securing utilization of cars for which the owners have no immediate need, car owners, other than the Maine Central Railroad Co., may remove their cars from the provisions of this paragraph by written notice to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(10) In determining distances to the car owner from points of loading or unloading, tariff distances applicable via the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(11) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraphs (4), (5), (6), or (9) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., November 15, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., March 31, 1972, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy of the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17423 Filed 11-29-71;8:50 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Cabeza Prieta Game Range, Ariz.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (11-30-71).

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

ARIZONA

CABEZA PRIETA GAME RANGE

Public hunting of bighorn sheep on the Cabeza Prieta Game Range, Ariz., is permitted only on the area designated by signs as open to hunting. The bighorn sheep season is from December 4 through December 19, 1971, inclusive. The open bighorn sheep area, comprising 860,000 acres, is delineated on a map available at the game range headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Hunting shall be in accordance with all applicable State regulations governing the hunting of bighorn sheep subject to the following special conditions:

(1) Bighorn sheep limited to 4 permits issued by the Arizona Game and Fish Department.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 19, 1971.

GERALD E. DUNCAN,
Acting Refuge Manager, Cabeza Prieta Game Range, Yuma, Ariz.

NOVEMBER 18, 1971.

[FR Doc.71-17374 Filed 11-29-71;8:46 am]

PART 33—SPORT FISHING

Imperial National Wildlife Refuge, Arizona and California

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER (11-30-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing and the taking of bullfrogs, crustaceans and mollusks on the Imperial National Wildlife Refuge is permitted in all areas except in those areas closed to public entry. These areas comprising 8,100 acres are delineated on maps available at the Refuge Headquarters, Yuma, Ariz., and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. The taking of bullfrogs, crustaceans, and mollusks shall be in accordance with applicable State regulations subject to the following special conditions:

(1) The open seasons for the taking of bullfrogs, crustaceans and mollusks shall be in accordance with State law.

(2) The open season for sport fishing on the refuge extends from January 1 through December 31, 1972, inclusive, except for an area of approximately 165 acres in Martinez Lake as posted to be closed during the periods January 1 through February 28, 1972, inclusive, and October 1 through December 31, 1972, inclusive.

(3) The use of bow and arrow for the taking of carp, buffalo, mullet, suckers, and bullfrogs is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1972.

GERALD E. DUNCAN,
Acting Refuge Manager, Imperial National Wildlife Refuge, Yuma, Ariz.

NOVEMBER 18, 1971.

[FR Doc.71-17375 Filed 11-29-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 214]

NONIMMIGRANT CLASSES

Admission and Transfer of Students

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to students, their admission, and transfer to another school.

In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

1. Subparagraph (1) of paragraph (f) of § 214.2 is amended and new subparagraphs (2), (3), and (4) are added to read as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(f) *Students*—(1) *General.* A student seeking admission to the United States under section 101(a)(15)(F)(i) of the Act and his accompanying spouse and minor children shall not be eligible for admission unless he presents Form I-20 properly filled out by himself and the school to which he is destined. The student's spouse and minor children following to join him shall not be eligible for admission into the United States unless they present Form I-20 from the school in which the student is enrolled stating that he is taking a full course of study and noted by the school to indicate the date of expiration of his authorized stay in the United States as shown on the student's Form I-94.

(2) *Admission.* An applicant for his first admission with a nonimmigrant student visa issued on or after January 1, 1972, shall not be eligible for admission unless he establishes that he is destined to and intends to attend the school specified in his visa. Any other applicant for admission as a nonimmigrant student shall not be eligible for admission unless he establishes that he is destined to and intends to attend the school which issued the Form I-20 presented by him to the examining immigration officer at the port of arrival or the school specified on Form I-94 presented in accordance with subparagraph (3) of this paragraph. In all cases, the name of the school a student is authorized to attend shall be endorsed by the examining immigration officer on the student's Form I-94. The period of admission of a nonimmigrant student shall not exceed 1 year.

(3) *Temporary absence.* Form I-20 presented by a student returning from a temporary absence may be retained by him and used for any number of reentries within 1 year of the date of its issuance. However, a Canadian national or an alien landed immigrant of Canada who has a common nationality with Canadian nationals who has been temporarily absent in Canada, or any alien whose visa is considered to be automatically revalidated pursuant to 22 CFR 41.125(f)(2) or is within the purview of that regulation except that his nonimmigrant visa has not expired, returning to the United States as a nonimmigrant under section 101(a)(15)(F) of the Act, shall, if otherwise admissible, be readmitted, without presentation of Form I-20, for the remainder of his initial admission or current extension of stay as shown on his Form I-94.

(4) *School transfer.* A student shall not be eligible to transfer to another school unless he submits a valid Form I-20 completed by that school and the Service grants him permission to transfer. Application for transfer shall be made on Form I-538 and shall be filed in the Service office having jurisdiction over the school which he was last authorized by the Service to attend. Permission to transfer may be granted only if the applicant establishes that he is a bona fide nonimmigrant student, that he intends to take a full course of study at the school to which he wishes to transfer, and that he in fact was a full-time student at the school which he was last authorized by the Service to attend, unless failure to commence or continue full-time attendance was due to circumstances beyond his control or was otherwise justified. The name of the school to which transfer is authorized shall be endorsed on the student's Form I-94.

* * * * *

2. Existing subparagraphs (2) *Extension,* (3) *Employment,* and (4) *Decision on application for extension, permission to transfer to another school, or permission to accept or continue employment* of paragraph (f) *Students* of § 214.2 *Special requirements for admission, extension, and maintenance of status* are redesignated subparagraphs (5), (6), and (7), respectively.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: November 23, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-17421 Filed 11-29-71;8:52 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Service

[9 CFR Part 84]

INTERSTATE MOVEMENT OF BOVINE SEMEN

Notice of Extension of Time To Submit Written Data, Views, and Arguments

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the time for filing data, views, and arguments with respect to the proposed issuance of regulations restricting the interstate movement of bovine semen to be contained in a new Part 84, Subchapter C, Title 9, Code of Federal Regulations, as published in the FEDERAL REGISTER on September 30, 1971 (36 F.R. 19169), is extended to December 30, 1971.

Interested persons are to submit written comments, suggestions or objections regarding the proposed regulations to the Deputy Administrator, Animal and Plant Health Service, Veterinary Services, U.S. Department of Agriculture, Federal Center Building, Hyattsville, Md. 20782.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 24th day of November 1971.

G. H. WISE,
Acting Administrator, Animal and Plant Health Service.

[FR Doc.71-17431 Filed 11-29-71;8:51 am]

Consumer and Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

Notice of Proposed Free and Restricted Percentages and Withholding Factors for the 1971–72 Crop Year

Notice is hereby given of a proposal to establish, for the 1971–72 crop year, free and restricted percentages and withholding factors applicable to marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began October 1, 1971. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987; 36 F.R. 15036), regulating the handling of domestic dates produced or packed in Riverside County,

Calif. The amended agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the California Date Administrative Committee.

Consideration will be given to any written data, views, or arguments pertaining to the aforesaid proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Estimates pertinent to the proposed volume regulation percentages and withholding factors for Deglet Noors and Zahidis are as follows:

Factors	Deglet Noor	Zahidi
	1,000 pounds	
1. Production of marketable dates (1971–72 crop)	23,597	1,762
2. Plus: Handler carryover of marketable dates not certified "free" or "restricted" (Sept. 30, 1971)	4,100	637
3. Total available supply of marketable dates subject to regulation	32,697	2,399
4. Trade demand for free dates[1]	18,700	1,730
5. Plus: Allowance for desirable handler carryover to assure date supplies for early free demand (Sept. 30, 1972)	9,200	600
6. Less: Certified handler carryover of free dates (Sept. 30, 1971)	2,433	135
7. Requirements for free dates	25,462	2,195
8. Supply of marketable dates in excess of requirements for free dates (Item 3-Item 7)	7,235	204

[1] The California Date Administrative Committee included no countries other than the Continental United States and Canada in trade demand.

On the basis of the foregoing estimates, free and restricted percentages, and a withholding factor for Deglet Noor dates of 78 percent, 22 percent, and 28.2 percent, respectively, and for Zahidi dates of 90 percent, 10 percent, and 11.1 percent, respectively, appear appropriate for the 1971–72 crop year.

The total available 1971–72 marketable supply of Halawys and Khadrawys is estimated at 0.8 million pounds, and approximates estimated trade demand requirements for both varieties. Hence, a free percentage of 100 percent is proposed for each of these two varieties.

The proposal is as follows:

§ 987.219 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1971, and ending September 30, 1972, as follows: (a) Deglet Noor variety dates: Free percentage, 78 percent; restricted percentage, 22 percent; and withholding factor, 28.2 percent; (b) Zahidi variety dates: Free percentage, 90 percent; restricted percentage, 10 percent; and withholding factor, 11.1 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: November 22, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17338 Filed 11–29–71;8:45 am]

[7 CFR Part 999]

RAISIN IMPORTS

Notice of Extension of Time for Receipt of Written Data, Views, or Arguments

Pursuant to the requirements of section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), a notice of proposed rule making was published in the July 14, 1971, issue of the FEDERAL REGISTER (36 F.R. 13098) regarding proposed grade, size, and other requirements governing the importation of raisins.

The notice afforded interested persons opportunity to submit written data, views, or arguments to be received by the Hearing Clerk not later than 60 days after publication of the aforesaid notice. The time for receipt of such written data, views, or arguments was extended to November 30, 1971, in a notice published in the September 11, 1971, issue of the FEDERAL REGISTER (36 F.R. 18323).

A request for additional time for comments has been made to afford interested persons further time to consider the proposal.

Notice is hereby given that the time for receipt of written data, views, or arguments on the aforesaid proposal is extended to January 31, 1972.

Dated: November 24, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–17408 Filed 11–29–71;8:49 am]

Farmers Home Administration

[7 CFR Part 1831]

[FHA Instruction 441.1]

OPERATING LOAN POLICIES AND AUTHORIZATIONS

Notice of Proposed Rule Making

Notice is hereby given that the Farmers Home Administration is considering a revision of Subpart A of Part 1831, "Operating Loan Policies and Authorizations," to:

1. Eliminate the authority to make participation loans.

2. Under loan purposes:

(a) Provide that operating loans may be authorized for the payment of FHA operating loan interest-only installments.

(b) Provide that FHA may refinance a debt incurred under the terms of a formal subordination agreement pursuant to § 1871.11 of this chapter under certain conditions specified even though the amount advanced may exceed the borrower's equity in the chattels.

(c) Authorize loans to make partial payments on grain or other storage and drying facilities under certain conditions specified.

3. Revise the policy regarding repayment schedules on operating loans.

This document is a revision of rules currently in effect under §§ 1831.1 to 1831.14 of this subpart (36 F.R. 1099 through 1105).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 20 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.–4:45 p.m.)

As proposed, the revised subpart reads as follows:

Subpart A—Operating Loan Policies and Authorizations

AUTHORITY: The provisions of this Subpart A issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Order of Acting Secretary of Agriculture, 36 F.R. 21529, Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart A—Operating Loan Policies and Authorizations

§ 1831.1 General.

This subpart is supplemented by Parts 1890, 1890a, 1890c, 1890f, 1890k, and 1890r of this chapter, modified by Subpart B of Part 1810 of this chapter, and supplemented and modified by Part 1890l of this chapter. This subpart prescribes the policies and authorizations of the Farmers Home Administration (FHA) for making operating loans to farmers, including ranchers and former farmers

obtaining subsequent loans after converting their entire farming operations to recreational enterprises.

§ 1831.2 Objectives.

The basic objectives of the FHA in making operating loans, supplemented as feasible by credit from other sources, are to assist eligible farmers and ranchers to make efficient use of their land, labor, and other resources, carry on sound and successful operations on the farm, and afford the family an opportunity to have a reasonable level of living. The operations include establishment or enlargement of recreational and other nonfarm enterprises on the farm to supplement the farm income. These objectives will be accomplished through the extension of operating loans, supplemented by credit from other sources, and by supervisory assistance.

§ 1831.3 Supervisory assistance.

Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the FHA in accordance with Subpart A of Part 1802 of this chapter. Such assistance consists of farm, home, and nonfarm or recreation planning, recordkeeping, analyzing the farm and any recreational or other nonfarm enterprises, and giving management advice.

§ 1831.4 Definition of a family farm.

The term "farm" includes a tract or tracts of land and improvements considered to be farm property, operated by the applicant and used or to be used in the production of crops or livestock, including the production of fish under controlled conditions. The term "farm" also includes any such land and improvements and facilities used in a recreational or other nonfarm enterprise.

(a) *Family farm.* A family farm is defined as one that will produce agricultural commodities for sale in sufficient quantities so that it is recognized as a farm rather than a rural residence, one that will provide substantial income by itself and which, together with any other dependable income, will enable the family to pay necessary family and other operating expenses, including maintenance of essential chattel and real property and pay debts, and one for which the operator and his immediate family provide the management and major portion of the labor including any recreation or nonfarm enterprise, except during seasonal peakload periods.

(b) *Recreational enterprises.* Loans may be made to operate, improve, establish, or enlarge recreational enterprises or to convert a part or all of the farming operation to such enterprises providing it is not feasible to make a recreation loan (RL) for this purpose. Subsequent loans for recreation purposes also may be made to borrowers who previously have converted their entire farming operation to a recreational enterprise(s).

(c) *Nonfarm enterprises other than recreational enterprises.* Loans may be made to farmers who will also continue farming operations to operate, improve, establish, or enlarge a nonfarm enterprise(s) needed to supplement farm income. Such enterprises must be located or headquartered on the farm. Nonfarm enterprises involving services such as delivery, custom, construction, or repair services must be headquartered on the farm. Loans will be made only for enterprises which produce goods or services for which there is a need that is not being adequately supplied by others in the community and for which there is a reasonably reliable market.

§ 1831.5 Eligibility requirements.

To be eligible for an operating loan each applicant must:

(a) Be a citizen of the United States.

(b) Possess legal capacity to incur the obligations of the loan. State requirements will be issued by the State Director with the advice of the Office of the General Counsel (OGC).

(c) Be an individual who has a farm background, except for veterans as defined in Part 1801 of this chapter, and either training or farm experience and any other training or experience sufficient to assure reasonable prospects of success in the proposed operation. In addition, the applicant must be engaged in farming to qualify for a loan to convert his entire farming operation into a recreational enterprise.

(1) An applicant who is already earning sufficient income to have a reasonable standard of living is not eligible for a loan, even though he meets other eligibility requirements, unless the County Supervisor and the County Committee are reasonably certain that after the applicant's planned enterprise (including recreational or other nonfarm enterprise) is fully developed, he will not engage in other employment to supplement his income, except to the extent necessary to enable his family to have a reasonable standard of living.

(d) Possess the character, ability, and industry necessary to carry out the proposed operation and honestly endeavor to carry out the undertakings and obligations required of him in connection with the loan.

(e) Be unable to obtain sufficient operating credit elsewhere to finance his actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which he resides for loans for similar purposes and periods of time. The applicant's equity in real estate, chattels, and other assets should be considered in determining his ability to obtain credit from private and cooperative sources.

(f) After the loan is made, be operating not larger than the equivalent of a family farm as an owner or tenant.

(g) Be able to meet his major needs for operating credit within the indebtedness limitation for operating loans during the period that such loans likely will be needed, except in cases in which additional financing on a contractual or equally definite basis is available.

§ 1831.6 Veterans' preference

Veterans, as defined in Part 1801 of this chapter, will be given preference. When it appears that available funds will be inadequate to meet the needs of all applicants, the applications on hand from veterans will be processed first.

§ 1831.7 Certification by County Committee.

Before an operating loan is approved, the County Committee will certify on Form FHA 440-2, "County Committee Certification or Recommendation," that the applicant is eligible for a loan in accordance with the provisions of § 1831.5. In addition, the County Committee will establish the maximum amount of credit which may be extended, under the certification, to meet the actual needs of the applicant during his crop or operating year. The crop or operating year for each applicant will be established in accordance with the provisions of Subpart B of Part 1802 of this chapter. The maximum amount of credit established by the County Committee will not necessarily represent the amount which actually will be loaned. For this reason, and to avoid possible misunderstanding, the applicant will not be notified of the maximum credit as established by the County Committee.

§ 1831.8 Supplementing FHA operating loans with other credit.

(a) *Policy.* (1) Credit from other reliable agricultural credit sources will be obtained to the maximum extent possible to supplement FHA operating loans. This is necessary in order to serve as many eligible operating loan applicants and borrowers as possible with the loan funds available.

(2) Funds ordinarily will not be included in either initial or subsequent operating loans for purposes for which credit can be obtained from other agricultural credit sources on terms which are generally available to other farmers in the community.

(3) Each new applicant or present borrower who applies for an operating loan will be required to meet as much of his needs as possible from other agricultural credit sources by open account, note only, liens, feeder agreements, or other contractual basis.

(4) When credit for annual operating and family living expenses is not available from other agricultural credit sources on any other satisfactory basis, FHA may:

(i) Take a lien on chattels and crops subject to the lien of another creditor, as authorized in § 1831.12.

(ii) Subordinate its liens on chattels and crops as authorized in § 1871.11 of this chapter.

(b) *Relationships with other lenders and suppliers.* (1) County Supervisors will keep appropriate agricultural lenders and suppliers currently informed concerning FHA policies with respect to loan making, cooperation with other lenders, and subordinations, supervision, and servicing, including the distribution of income available for debt payments, and

graduation of borrowers. However, FHA employees may not guarantee, personally, or on behalf of FHA, repayment of advances from other credit sources.

(2) Other agricultural lenders and suppliers will be requested and encouraged to furnish as much of each applicant's or borrower's essential needs as possible with the balance being supplied with operating loan funds.

(3) The County Supervisor will require applicants and borrowers, as appropriate, to contact other lenders and suppliers and obtain as much of their needs as possible from those sources. Such applicants and borrowers should request other lenders and suppliers to indicate the amounts and terms of operating-type credit which will be made available to them. The amount and purposes of such credit will be documented and clearly identified in Form FHA 431-2, "Farm and Home Plan," or Form FHA 431-4, "Business Analysis—Nonagricultural Enterprise."

(4) When operating credit is to be obtained from other sources, the County Supervisor should have reasonable assurance that the credit from other sources will be available when needed and that significant additional amounts will not be extended by such creditors except with the concurrence of FHA.

(c) *Documentation when applicants and borrowers are unable to obtain credit for operating expenses from other agricultural lenders or suppliers.* When FHA operating loans are to be made which include funds for annual operating and family living expenses, the County Supervisor will document in the running record the efforts which were made to obtain such credit from other sources including the names of the lenders or suppliers contacted and the reasons it could not be obtained. When appropriate, the County Supervisor will check on evidence presented by the applicant or borrower that he cannot obtain credit elsewhere.

§ 1831.9 Loan purposes.

Subject to the loan limitations and special requirements set forth in § 1831.10, operating loans may be made for:

(a) Purchase of livestock, poultry, fur bearing and other farm animals, fish, bees, farm equipment, and paying costs incident to reorganizing the farming system for more profitable operation and for other farm needs, including equipment to be utilized in the development of forest lands, and the production and harvesting of forestry products.

(b) Purchase of animals, birds, fish, tools, equipment, facilities, furnishings, inventories, and supplies, and paying costs incident to reorganizing, establishing or enlarging a nonfarm or recreational enterprise.

(c) Purchase of an undivided interest in the items included in paragraphs (a) and (b) of this section which would be operated under a joint arrangement or as a group service.

(d) Purchase of feed, seed, fertilizer, insecticides, farm and other supplies, including inventory; the repair or rental of equipment; and payment of essential operating expenses for the farm, forestry, recreation or other nonfarm enterprise; or paying bills incurred for any items in this paragraph for the crop or operating year being financed.

(e) Payment of customary and equitable cash rent or cash charges for the use of essential buildings, pasture, crop, hay or other land, and grazing permits or bills for such purposes for the operating or crop year being financed, subject to the following:

(1) The applicant is obligated under a written lease or other formal agreement to pay such rent or charges in advance of the time income will be available from the operations to make such payment. For grazing fees an invoice showing the number of livestock to be grazed, the grazing period, the cost per head and the total cost may be used in lieu of a written lease. However, when relatively small amounts are involved an invoice will not be required if the applicant's explanation of a satisfactory grazing agreement is recorded in the loan docket.

(2) Arrangements cannot be made for the rent or charges to fall due when income will be available from the operations to make such payments.

(3) Not more than 1 year's cash rent or cash charges will be paid with loan funds in any 1 lease year, except that if a loan is approved near the end of the current lease year funds for payment of such rent or charges for the succeeding lease year may be included in the loan.

(4) The terms of the rental agreement provide the applicant with reasonably satisfactory tenure.

(f) Payment of: (1) Personal and real property taxes due or about to become due subject to the limitations in § 1831.10 (b) (5), and water or drainage charges or assessments. In addition, any amounts advanced in excess of the equivalent of 1 year's taxes or water or drainage charges or assessments, without regard to whether such items are a lien on the property, will be treated as refinancing debts in accordance with paragraph (m) of this section.

(2) Social Security taxes in connection with hired labor.

(3) Premiums for insurance on real estate and personal property, including premiums on homeowners policies. However, operating loans may be made to pay premiums on insurance covering real estate of a borrower indebted for both FHA real estate and operating loans, or of an FHA real estate loan borrower who is obtaining an operating loan for other purposes only if the operating loan is adequately secured.

(4) Premiums for public liability and property damage insurance on farm and other equipment, including farm trucks, and on recreational and other nonfarm enterprises.

(g) Payment of: (1) Not more than a year's interest calculated at a rate not to exceed that which is reasonable and customary for the area, that is due on, or about to become due on debts secured by liens of other creditors on property essential for the farm, recreational or other nonfarm enterprises.

(2) FHA interest-only installment(s) scheduled for the first January 1, and when a deferred payment of principal is involved, the second January 1 following the closing of the loan, when a borrower will not otherwise be able to meet the initial interest payment(s) on his loan because income from crops, livestock, or other sources is not available.

(h) Payment of depreciation in any 1 year not to exceed 15 percent of the market value of the essential farm, recreational or nonfarm enterprise equipment under prior lien to another creditor, or 15 percent of the amount owed to such creditors, whichever is lesser.

(i) Acquisition of memberships in farm purchasing and marketing and farm service-type cooperative associations, or to purchase stock in such associations to help provide capital for improvement of services to farmer members. Purchase membership or stock in recreational or other nonfarm purchasing, marketing, service or promotional-type cooperative association organized to produce additional income for its members exclusive of membership in associations which will acquire, lease, or improve land not otherwise under the control of the members.

(j) Meeting family subsistence needs, including premiums on reasonable amounts of health and life insurance, and expenses for medical care or paying bills incurred for any items in this paragraph for the crop or operating year being financed. Applicants must understand, however, that within the limits of their resources they should plan and carry on adequate food production and conservation programs.

(k) Purchase of essential home equipment and furnishings, and the payment for home equipment repairs required by the applicant family to sustain itself in a reasonably satisfactory manner.

(l) Expenses incident to loan closing.

(m) Refinancing secured and unsecured debts, other than the payment of bills referred to in paragraphs (d), (e), and (j) of this section, subject to the following:

(1) The amount advanced for such purposes does not exceed the applicant's equity in the animals, birds, bees, fish, and so forth; farm and recreation equipment; and nonfarm enterprise equipment and inventory which are to be taken as security for the loan.

(i) When it is necessary to refinance a debt that was incurred for the production of feed on hand, or that is secured by a lien on such feed, the applicant's equity in the feed also may be used, if necessary, to justify the refinancing of this particular debt. The funds advanced for this purpose will be scheduled for repayment in the same manner as funds advanced for the purchase of feed.

(2) FHA may refinance a debt incurred under the terms of a formal subordination agreement pursuant to § 1871.11 of this chapter, even though the amount advanced may exceed the borrower's equity in the chattels referred to in paragraph (m) (1) of this section, provided:

(i) It is determined that the borrower will not receive sufficient income to repay the subordination agreement.

(ii) The borrower's inability to pay the full amount is due to circumstances beyond his ability to control, such as depressed prices or unusually adverse conditions which materially reduced income; accident or serious illness; or substantial loss of livestock or crops due to disease, pestilence or catastrophe.

(iii) The County Supervisor personally contacts the creditor and documents in the County Office case folder the necessity for refinancing.

(iv) The borrower is making satisfactory progress under prevailing conditions in becoming successfully established in farming.

(v) Assistance will continue to be provided the borrower by FHA.

(3) The provisions of § 1831.10 (a) and (b).

(4) The provisions of § 1831.32(e).

(n) Purchase of milk base either with or without cows where such action is necessary to assure the borrower a satisfactory market for his dairy products, as provided in a manner prescribed by or on prior approval of the State Director.

(o) Purchase of grazing license or permit rights of private parties which can be validly sold and transferred or waived separate from any land lease or other interest in land either with or without eligible livestock, provided loans for this purpose are approved by the State Director or are authorized by requirements issued by the State Office.

(p) The following real estate improvements are subject to the limitations in § 1831.10:

(1) Purchase, construction, alteration, repair, or relocation of service buildings or facilities essential to the operation, including minor repairs or alterations to dwellings.

(2) Purchase, repair, or relocate essential equipment which is or will become a part of the real estate and cannot be made subject to a security interest as a fixture in Uniform Commercial Code (UCC) States, or be severed and made subject to a valid chattel mortgage in Louisiana, or to security interest in any UCC State.

(3) Provide land and water development, use, and conservation essential to the operation of the farm and any recreational or other nonfarm enterprise facilities such as fencing, land clearing, establishment and improvement of permanent hay or pasture drainage and irrigation facilities, basic application of lime and fertilizer, fish ponds, dams, nature trails, repair shops, sales buildings, golf driving ranges, lakes, hiking trails and campsites, and the development or acquisition of water supplies or rights. Also, loan funds may be used to pay that part of the cost of facilities, improvements, and practices which is to be earned by participation in the Agricultural Conservation or Great Plains programs only when such costs cannot be covered by purchase orders or assignments to material suppliers or contractors. If loan funds are advanced and the portion of the payment for which the funds were advanced likely will exceed $500, the applicant will assign the payment to the FHA.

(q) The purchase of a franchise, contract, or a privilege when such action is necessary to the operation of the planned enterprise.

(r) Any purpose authorized in this subpart to an eligible applicant to enable a dependent in his immediate family to initiate, develop, or carry on a farm or nonfarm enterprise in connection with his or her participation in youth organizations such as Future Farmers of America, Future Homemakers of America, 4-H Clubs, or approved vocational training courses.

(s) Make partial payment on grain or other storage and drying facilities when the Commodity Credit Corporation, through the Agricultural Stabilization and Conservation Service (ASCS), is providing the remaining portion of the credit under the Commodity Credit Corporation Farm Storage and Drying Equipment Loan Program. Handling FHA's security interest in such facilities will be in accordance with § 1872.28 of this chapter.

§ 1831.10 Special requirements and loan limitations.

(a) *Refinancing of debts.* (1) When an applicant's request includes the use of loan funds for the refinancing of debts, it must be determined before a loan is made that his present creditors will not give him rates and terms on the existing debts that he reasonably could be expected to meet. Before refinancing any debt, the County Supervisor will:

(i) Discuss with the applicant the possibility of obtaining the needed credit from the applicant's present creditors or other sources. He will request the applicant to contact his present creditors to explain his credit needs and to determine if the creditor will renew, extend, change or reduce the present debts, as appropriate. He also will advise the applicant of other credit sources available in the area which might assist him with his credit needs and request that he contact such credit sources. If the applicant is unsuccessful in his efforts to obtain credit or to get a revision of the rates and terms of his indebtedness, the County Supervisor will obtain from the applicant the reasons given by the present creditors and other sources for not assisting the applicant, and document such information in the running record.

(ii) If the County Supervisor is notified by the applicant that his negotiations with the present creditor(s) or other sources were unsuccessful he will determine on the basis of the applicant's financial statement, planned income and expenses, estimated amount available for debt payment, and the additional facts presented by the applicant, whether it appears necessary to refinance the debt(s) or to obtain a change in the rates and terms. When it is determined that refinancing may be necessary, he will contact in person when practicable, each secured creditor and each unsecured creditor to whom substantial debts are owed for the purpose of verifying the necessity for refinancing. If the loan is to be processed, a statement of each secured account to be refinanced showing the final due date, interest rate, annual installment, amount delinquent, unpaid principal, and accrued interest will be obtained.

(b) *Purposes for which loans may not be made.* While it is impracticable to list all of the purposes for which loans may be made, the following are those commonly requested by applicants which are not authorized:

(1) Purchase of passenger automobiles or the refinancing of debts for such purchases. However, this will not prohibit the refinancing of such a debt secured by a lien on items described in § 1831.9 (a) and (b) only, or on such property and on the automobile to the extent of the equity in the property other than the automobile which serves as security for the debt.

(2) Payment of Federal or State income taxes, or social security taxes payable by borrowers in their own behalf.

(3) Purchase of real estate, or the making of payments on, or the refinancing of any indebtedness secured by a lien on real estate other than the payment of taxes and interest as authorized in this subpart. However, this will not prohibit the refinancing of a debt secured by a lien on items described in § 1831.9 (a) and (b), as well as on real estate to the extent of the equity in the nonreal property serving as security for the debt. In addition, loans may not be made for carrying on any land purchasing or land leasing program.

(4) Replacing items described in § 1831.9 (a) and (b) or crops sold, or refinancing chattel debts incurred primarily for the purpose of obtaining funds for any of the real estate purposes referred to in subparagraph (3) of this paragraph, if such action was taken by the applicant with the intent of replacing the chattel property or refinancing the debts with operating loan funds.

(5) Payment of taxes in connection with real estate securing FHA loans other than operating loans.

(6) Payment of debts owed by the applicant to the FHA or to make principal or interest payments on such debts, except interest-only installment(s) as provided in § 1831.9(g)(2) of this subpart.

(7) To purchase membership or stock in production cooperatives, purchase memberships or stock for the purpose of establishing control by the FHA in any type of cooperative, or furnish a majority of the associations' capital requirements.

(c) *Limitations on loans for real estate improvements.* (1) Not more than $2,500 may be loaned to a borrower in any one fiscal year for real estate improvements or for refinancing unsecured debts clearly incurred for such purposes. Before an operating loan is made for real estate improvements, a careful analysis must be made of the applicant's resources and proposed operations and all of the following determinations must be made:

(i) Operating loans will not be needed or made year after year to make substantial real estate improvements.

(ii) Such real estate improvements cannot be provided practicably through a real estate loan.

(iii) The sum of the operating loan being made for real estate improvements and the unpaid indebtedness against the farm and other security which secures the FHA real estate loan will not exceed the total indebtedness or the normal value limitations prescribed for real estate loans. The borrower's equity in the livestock and farm and other equipment to be taken as security for the operating loan may be added to the normal value of the farm where this is necessary to comply with the normal value limitations prescribed in Subpart A of Part 1821 of this chapter.

(iv) The applicant will likely continue to operate the farm for a sufficient period of time and under such terms that will enable him to obtain reasonable returns on his investment.

(2) Operating loans may be made to tenants to finance modest real estate improvements or repairs, provided the County Supervisor determines that the applicant has reasonably secure tenure for a sufficient period to enable him to realize adequate benefits to justify the expenditure, or a written lease is obtained providing for compensating the tenant for any unexhausted value of the improvement upon termination of the lease.

(d) *Limitations on amount of loan.* The amount of each loan will be limited to the needs of the applicant and his ability to pay. In addition, consideration will be given to the value of the chattel property, including crops, which will be available as security. In no case may a loan be made which would result in the total principal balance outstanding to exceed $35,000 for operating loans (including production and subsistence).

(e) *Debt settlement cases.* A loan will not be made to an applicant whose debts have been settled pursuant to Part 1864 of this chapter, or who has been released from personal liability under Subpart A of Part 1872 of this chapter, as reflected by the County Office records, or where settlement or release under such requirements is contemplated, unless the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, the conditions which necessitated the debt settlement or release, other than weather hazards, disasters, or price fluctuations, have been removed, and the borrower's operations will afford him a reasonable prospect of repaying the loan and meeting his other obligations. Prior to approval of the loan, the loan docket and any available case folders, including the County Supervisor's justification for making the loan, will be submitted to the State Office for a determination as to whether the loan should be made.

(f) *Loans to individuals jointly engaged in farming, recreational, and other nonfarm enterprises.* (1) A joint loan may be made to two eligible applicants living together or living separately and operating jointly not larger than the equivalent of one adequate family farming operation. When joint loans are made, both individuals will execute the application, payment authorization, notes, security agreements, and other documents required in connection with the making and closing of the loan.

(2) Separate loans may be made to eligible applicants who are jointly engaged in a farming or other operation, provided (a) not more than three individuals are interested in the operation, and (b) the operation provides the equivalent of not larger than one adequate family farming operation for each individual.

(g) *Relationship with emergency loans.* Operating loans will not be made to applicants whose credit needs can be met adequately with emergency loans as prescribed in Subpart A of Part 1832 of this chapter.

§ 1831.11 Rates and terms.

Interest will be charged at the rate of 6⅜ percent per annum on all operating loans. Interest on the initial advance will accrue from the date of the promissory note. Interest on future advances will accrue from the date of the loan check for each such advance.

(a) Payments of principal and interest on operating loans will be scheduled on the note in accordance with the borrower's reasonable ability to pay, determined by an analysis of his operations as reflected in his Form FHA 431–2 or Form FHA 431–4. All installment dates will be January 1 of each year, except the final installment which will be determined in accordance with § 1831.32(h). No installment will be made payable later than 7 years from the date of the note. When it is determined that income sufficient to meet any payment of principal will not be received by the borrower until the second or third January 1 following the date of the promissory note, the repayment of principal may be deferred to the second or third January 1, as appropriate, following the date of the note. When the payment of principal is deferred to the second January 1 following the date of the note, the first scheduled installment will be the amount of accrued interest from the date of the note to February 1 of the next calendar year. When the payment of principal is deferred to the third January 1 following the date of the note, the second scheduled installment will be the amount of accrued interest for a full year and the first scheduled installment will be the amount of accrued interest from the date of the note to February 1 of the next calendar year.

(1) Advances for annual recurring operating expenses or for paying bills incurred for such purposes for the operating or crop year being financed will be scheduled for payment when the principal income from the year's operations normally would be received. This includes advances for the payment of interest, taxes, and depreciation.

(2) Advances to purchase or produce feed for productive livestock or livestock to be fed for the market, or to pay bills incurred for such purposes for the crop year being financed, except for feed of a type which the County Supervisor determines will be produced in future years, will be scheduled for payment when the principal income from the sale of such livestock or livestock products can be expected.

(3) Advances for purposes other than those enumerated in subparagraphs (1) and (2) of this paragraph, will be scheduled for payment over the minimum period consistent with the applicant's ability to pay, as determined from an analysis of the operations. This will include, among other things, the purchase of significant amounts of feed or seed which will be produced in future years and major repairs to equipment. In no instance may the payment schedule extend beyond the useful life of the security offered for the advance.

(4) When conditions warrant such action, principal payments scheduled in accordance with subparagraph (3) of this paragraph may vary in amount. For example, when a livestock enterprise is being expanded as the feed and pasture program is developed, a graduated payment schedule could be used if necessary. In connection with subsequent loans for such purposes, it is necessary to consider payment schedules established previously for outstanding loans in order to assure a realistic overall payment schedule within the prescribed limits. However, the last installment will not be larger than the amount which can then be refinanced with another lender or be repaid within a renewal period of not to exceed 5 years.

(b) *Supplementary payment agreement.* Form FHA 440–9, "Supplementary Payment Agreement," should be used for each applicant who regularly (such as weekly, monthly, or quarterly) receives substantial income from a recreation or other nonfarm enterprise or from farming. It will be used also when the farm income from which payment is to be made will be received substantially before a January 1 installment due date.

§ 1831.12 Security policies.

The words "security instrument(s)" as used in this subpart includes financing statements and security agreements, chattel mortgages, and similar lien instruments.

(a) Except as provided in subparagraph (3) of this paragraph and paragraphs (b), (c), (d), and (f) of this section, each loan will be secured as follows:

(1) *Crops, title to which is held by the borrower.* By a first lien on the applicant's crops, or his share of the crops, if he is a share tenant, which are growing or to be grown by him, subject only to:

(i) The landlord's lien on the crops for reasonable cash or privilege rent for the current year.

(ii) The real estate mortgagee's lien or real estate purchase contract holder's lien on the crops for the current year's installment on the real estate debt, provided such installment is reasonable when related to the normal rental charges for similar farms in the area.

(iii) The lien or contract of another creditor on crop(s) for necessary advances for planned annual farm operating and family living expenses for the

crop year, provided the other creditor agrees in writing to the FHA that his advance(s) will be limited to a specific amount which has been determined necessary by the borrower, FHA, and the other lender.

(2) *Crops grown under contract when title to the crop is held by the contractor.* When a crop is being produced, harvested, processed, or marketed by the applicant under an equitable written contract with a responsible contractor and title to the crop is retained by such contractor, loans may be made in connection with such crops, provided the contractor limits his advances to production, harvesting, processing, or marketing costs in connection with the contract crop or to purposes related thereto, and an assignment of all or a part of an applicant's share of the income from the crop is given to the FHA and is accepted in writing by the contractor holding title to the crops. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's FHA indebtedness from such crop. However, when no payment is expected to be made on the loan from the crops, an assignment will not be required. The form for use in obtaining such assignments will be approved by the OGC. In UCC States the assignment will constitute a security agreement on such crop income, and the contract will be described specifically, or as "Contract Rights" or "Contract Rights in Crops," and so forth, in paragraph 1(b) of the financing statement.

(3) *Feed crops only.* Subject to the limitations of subparagraph (6) of this paragraph, a lien on crops need not be taken when the crops to be produced by the borrower are for feed purposes only and the loan approval official determines that the loan is otherwise reasonably well secured and that liquidation action, either voluntary or involuntary, is not likely to occur during the crop year for which the loan is made.

(4) *Items of personal property described in § 1831.9 (a) and (b), purchased or refinanced.* By a lien on all such items subject only to the lien of another creditor for amount(s) advanced or to be advanced by such creditor to meet planned annual operating and family living expenses for the operation or crop year, provided the other creditor agrees in writing to the FHA that his advance(s) will be limited to a specific amount which has been determined necessary by the borrower, FHA, and the other lender. However, liens will not be taken on such equipment, facilities, or buildings which cannot be made subject to a valid chattel lien or a valid security interest, or on livestock or poultry kept primarily for subsistence purposes, or on household goods and equipment or on small tools and equipment.

(i) *Undivided interests.* An applicant obtaining a loan for the purchase of an undivided interest in the property referred to above or the refinancing of debts on an undivided interest in such items will secure his loan by a lien on his undivided interest in the item purchased or refinanced along with any other security required by this action. Joint security instruments will not be taken except as provided in § 1831.10(f). Each party having an undivided interest in such property will execute Form FHA 441–12, "Agreement for Disposition of Jointly-Owned Property," providing for the disposition of his interest in the property. However, Form FHA 441–12 will not be required when a tenant and landlord own property jointly and the lease provides for satisfactory division of such property or the proceeds from its sale, or a joint security instrument is taken to secure loans to two individuals jointly engaged in the operation.

(5) *Other items of personal property owned by the applicant described in § 1831.9 (a) and (b), not purchased or refinanced.* By the best lien obtainable on as much of such property of significant security value as is necessary to protect the interest of FHA. This will include any undivided interest in such property owned by the applicant jointly with others who have an interest in the operation. A lien will not be taken under this subparagraph on the types of items excluded under subparagraph (4) of this paragraph.

(6) *Liens and assignments to protect FHA's interest in feed purchased or produced with loan funds.* Loans made to purchase or produce feed for livestock being fed for market or to be fed to productive livestock (excluding livestock and poultry kept primarily for subsistence purposes) will ordinarily be secured by first liens on such livestock. However, when a first lien cannot be obtained, the loan will be secured by liens or assignments as provided below:

(i) When the livestock will be owned by the applicant and a first lien cannot be obtained, a junior lien will be taken, provided it is determined that the applicant has, or will acquire during the feeding period, an equity in the livestock being fed or will receive income from livestock or livestock products, either of which must be commensurate with the investment made for this purpose, and prior lienholders sign Form FHA 441–13, "Division of Income and Nondisturbance Agreement," or similar form approved by the OGC, agreeing to a suitable nondisturbance period and to a division of the income to be received from the livestock and livestock products, which will permit the applicant to pay his loan in accordance with the policies expressed herein. However, when no payment is expected to be made on the loan from the livestock or livestock products, Form FHA 441–13 will not be required.

(ii) When the livestock enterprise is to be managed by the applicant under a livestock share lease, share agreement, or contract, and the income to be received therefrom will be from the livestock fed, or from livestock products, an assignment of all or a part of such income will be taken, provided the owner or purchaser of the livestock or livestock products accepts in writing the assignment. The assignment will be in an amount at least equal to the amount planned to be paid on the applicant's FHA indebtedness from such income. The form for use in obtaining such assignments will be approved by the OGC. However, when no payment is expected to be made on the loan from the livestock or livestock products, an assignment will not be required. In UCC States, if an assignment on the livestock income is taken, such assignment will constitute a security agreement on such income and the share lease, share agreement, or contract will be described specifically, or as "Contract Rights" or as "Contract Rights in Livestock," and so forth, in paragraph 1(b) of the financing statement.

(7) *Assignments of crop insurance.* Assignments of all or a part of crop insurance proceeds will be taken when the loan approval official determines such action is necessary to protect the interests of the FHA.

(i) In order to obtain a claim on Federal crop insurance proceeds, it will be necessary to obtain an assignment on such proceeds. The assignment will be prepared on Form FCI–20, "Collateral Assignment," furnished by the local representative of the Federal Crop Insurance program. The assignment must be approved by the Federal Crop Insurance Corporation.

(ii) An assignment of other crop insurance is not required in cases where a crop insurance policy contains a standard mortgage clause naming the FHA as mortgagee or secured party.

(8) *Assignment of or consent to payment of proceeds from sale of products or other income.* (i) Assignments of and "consents" to payment of proceeds from the sale of products or other income will be used when payments are planned from such sources and such instruments are necessary to protect the interest of FHA and it is possible to obtain the acceptance of the purchaser or other payer.

(*a*) Form FHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," will be used for products or income except dairy products in which FHA has a security interest under the UCC.

(*b*) Form FHA 441–8, "Assignment of Proceeds from the Sale of Agricultural Products," will be used for products or income in which FHA does not have a security interest under the UCC. Other forms approved by the OGC may be used when Form FHA 441–8 is not adequate.

(*c*) Assignment of incentive and agricultural program payments will be taken on forms provided by ASCS except that Form FHA 462–8, "Wheat and Feed Grain Programs—Assignments," will be used to obtain assignments of Wheat Certificate and Feed Grain Program payments.

(*d*) Form FHA 441–25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used for dairy products in which FHA has a security interest under the UCC.

(9) *Real estate.* Real estate security will not be taken in connection with making initial operating loans, except that in most UCC States a security interest may be taken on fixtures even

though they are considered to be real estate in the particular State. Furthermore, such real estate security will not be taken in connection with making subsequent operating loans except in individual cases in which it appears that it may be necessary to rely on such security for payment of the loan. When such security is taken the provisions of § 1872.19 of this chapter will apply. Generally, an item is to be considered a fixture if it is attached to a building or other structure or to land in such a way that it cannot be removed without defacing or dismantling the structure, or damaging substantially the item itself.

(10) *Consent and subordination agreements and severance agreements.* (i) In those UCC States in which the State procedure does not require the use of a severance agreement, Form FHA 440-26, "Consent and Subordination Agreement," will be used as necessary to meet the security requirements contained in subparagraph (4) of this paragraph.

(ii) In Louisiana, and in those UCC States in which State procedures so provide, Form FHA 440-6, "Severance Agreement," will be obtained when operating loan funds are used to purchase or refinance debts on property which is or may become a fixture, and it is necessary to sever such property from real estate to meet the security requirements contained in subparagraph (4) of this paragraph.

(b) Loans for the acquisition of memberships or the purchase of stock in cooperative associations may be made on the basis of the borrower's promissory note without taking security except as follows:

(1) An assignment, pledge, or other security interest in stock or other evidence of membership will be obtained, provided it would have security value. Such security interest also may be taken on significant amounts of dividends to be received from stock, memberships, or patronage, or on undivided profits and other retains. The security interest will be in the form of an assignment, pledge, or other instrument and will be taken on forms and in the manner approved by the OGC. County Offices will retain water stock certificates and similar collateral. A notation will be made on Form FHA 405-1, "Management System Card—Individual," showing that such security has been retained.

(2) In individual cases, loan approval officials may require a lien on crops or chattels as security for a loan made for the acquisition of a membership or stock if they determine that such action is necessary to protect the interest of FHA due to such reasons as the amount of the advance or the borrower's financial situation.

(c) Loans made under participation agreements between the FHA and other lenders under Form FHA 441-3, as prescribed in § 1831.8, will be secured by liens taken by the other lenders. Such liens will be taken on livestock or farm or other equipment or crops and may also include any other property which the other lender determines is desirable. In such cases the loan approval official must determine that the security to be obtained by the other lender in accordance with the provisions of the participation agreement will be adequate to protect the interest of FHA under that agreement.

(d) Loans of not more than $1,500 for real estate improvements may be made on the basis of the borrower's promissory note without taking security when the applicant has a good reputation for paying his debts promptly, he clearly has sufficient income to meet all of his obligations, and he has assets from which a recovery of the loan could be made in case of default.

(e) Property and public liability and property damage insurance will be obtained as follows:

(1) Applicants obtaining operating loans should be encouraged to carry insurance on the property serving as security for the loan and on other chattel or real property necessary to afford them adequate protection against substantial losses from the common hazards existing in an area. It is especially desirable that insurance be obtained by applicants who obtain large loans and have considerable personal property including feed, supplies, and inventory centrally stored or housed over an extended period. Such insurance may be required by the loan approval official in individual cases or by requirements set forth by the State Director.

(2) Applicants receiving loans for a recreational or other nonfarm enterprise will be advised of the possibilities of incurring liability and encouraged to obtain public liabilty and property damage insurance, including insurance on customer's property in custody of the borrower. Such insurance may be required by the loan approval official in individual cases.

(3) When insurance is required on property serving as security for an operating loan, a Form FHA 426-2, "Property Insurance Mortgage Clause (Without Contribution)," or a standard mortgage clause which is in general use in the area will be attached to or printed in the policy and will show the United States of America (Farmers Home Administration) as mortgagee or secured party.

(f) State Directors, with the advice of the OGC, will inform County Supervisors on a State basis if it is necessary, because of State statutes or types of leases, land purchase contracts, and real estate mortgages commonly in use, to obtain subordination agreements, Form FHA 441-17, "Certification of Obligation to Landlord," severance agreements, disclaimers, and consent and subordination agreements, and will otherwise supplement this paragraph as necessary.

(g) Lien searches will be obtained in accordance with the provisions of Subpart B of this part to determine that the FHA will have the required security, except that when the loan is made under a written participation agreement with another lender a lien search will not be required by the FHA if the loan approval official determines that the other lender will take the necessary steps in closing the loan to assure proper protection of FHA's interests.

§ 1831.13 Tenure.

Good tenure is essential for a successful operation. Applicants will, therefore, be required to make satisfactory arrangements for the use of the kind of property necessary for carrying on the planned operation. The tenure policies set forth below will be followed by FHA officials in the making and approving of loans.

(a) *Tenant operators.* (1) Before a loan is made, the tenant, landlord, and County Supervisor must understand the terms and conditions of the tenure arrangements. These understandings can best be reached through discussions, preferably on the unit, and such discussions will be held whenever possible, except when no significant adjustments and improvements are to be made in the operations. In any event the understanding will include, as applicable, how the unit will be operated, the manner in which the planned adjustments, improvements and operation will be financed, the distribution of income and expenses and other contributions by the tenant or the landlord, provisions for the division of the jointly-owned property when the lease is terminated, agreement on any pertinent longtime aspects of the case, and any other factors affecting the tenure relationship.

(2) Ordinarily, loans will not be made unless the applicant obtains a satisfactory written lease. However, when for good reason an applicant cannot obtain a written lease on part or all of the real estate he expects to operate, the loan may be approved, provided the County Supervisor determines that the understanding existing between the tenant and landlord are definite and the rental terms are satisfactory, the lack of a written lease will not likely jeopardize the applicant's operations, and the loan docket clearly reflects the rental arrangements made with respect to each tract of land or building.

(3) Pertinent information concerning the tenure arrangements will be recorded as set forth in Subpart B of this part.

(b) *Owner operators.* Before loans are made to owner operators, the terms existing with respect to any real estate indebtedness owing will be ascertained and a determination will be made as to whether the applicant's proposed operations will enable him to meet the required payments on the real estate indebtedness as well as being feasible in other respects, and the applicant will have reasonably secure tenure on the real estate under the terms of the real estate mortgage or purchase contract.

§ 1831.14 Loan approval.

(a) *Indebtedness limitation with respect to loan approval authority.* Current information regarding limitations on loan approval authorities of various officials of the FHA may be obtained from any county or State Office of the FHA or

from its National Office at 14th and Independence Avenue SW., Washington, DC 20250.

(b) *Administrative determinations and responsibilities.* When the County Committee certification has been made, the loan approval official will determine administratively whether:

(1) The applicant is eligible and likely to be successful in the proposed operations and to achieve the objectives of the loan.

(2) The applicant has available, under satisfactory tenure arrangements, a unit adequate in size and productivity to reasonably expect success, taking into consideration farm and other income including income from a recreational or other nonfarm enterprise.

(3) Plans have been made and documented for:

(i) A suitable system of farming or type of recreation or other nonfarm enterprise.

(ii) The crucial adjustments and improvements and key practices essential for the applicant's success.

(iii) Effective supervision and corrective action.

(4) The proposed farm and home operations, and recreational or other nonfarm enterprise(s) of the applicant are feasible.

(5) The loan is feasible and can be repaid from income as scheduled, except as provided in § 1831.11(a)(4), with respect to the last installment.

(6) The amount of the loan and the purposes for which the funds are to be used are consistent with the applicant's needs and are for authorized purposes.

(7) The security requirements can be met.

(8) The certifications required of the applicant and County Committee have been made and are a part of the loan docket.

(9) The loan meets all other FHA requirements.

§ 1831.15 Nondiscrimination poster.

Borrowers who have received operating loans for recreational enterprises since January 3, 1965, must display the nondiscrimination poster, "And Justice for All," at the recreation area once it is open to the public.

Dated: November 23, 1971.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.71-17427 Filed 11-29-71;8:51 am]

[7 CFR Part 1831]

[FHA Instruction 441.3]

OPERATING LOAN PROCESSING

Notice of Proposed Rule Making

Notice is hereby given that the Farmers Home Administration is considering a revision of Subpart B of Part 1831, "Operating Loan Processing," Title 7, Code of Federal Regulations (36 F.R. 1105 through 1110), which removes the authority to process participation loans and provides requirements and procedures for the preparation of the revised Form FHA 441-1, "Promissory Note."

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendments to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 20 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, the revised Subpart B reads as follows:

Subpart B—Operating Loan Processing

Sec.
1831.31 General.
1831.32 Loan forms and routines.
1831.33 Loan docket.
1831.34 Review and approval or rejection.
1831.35 Loan checks.
1831.36 Loan closing.
1831.37 Revision in the use of Operating loan funds.

AUTHORITY: The provisions of this Subpart B issued under section 339, 75 Stat. 318, 7 U.S.C. 1989; Order of Acting Secretary of Agriculture, 36 F.R. 21529; Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529.

Subpart B—Operating Loan Processing

§ 1831.31 General.

This subpart is supplemented by Part 1890r of this chapter and modified by Subpart B of Part 1810 of this chapter. This subpart sets forth the requirements and procedures for the preparation and execution of documents and for other routines in connection with making operating loans as prescribed in Subpart A of this part.

§ 1831.32 Loan forms and routines.

(a) *Applications for Farmers Home Administration (FHA) assistance.* Applications for FHA assistance will be taken as outlined in Part 1801 of this chapter.

(b) *Form FHA 440-2, "County Committee Certification or Recommendation."* (1) When the applicant is determined to be eligible, the County Committee will execute Form FHA 440-2 before the loan is approved. This certification will cover any operating loan(s) to be made to the applicant for the crop or operating year specified within the maximum amount of credit established by the County Committee. The date designated by the County Committee as the end of the crop or operating year and the maximum amount of credit will be inserted in the appropriate spaces.

(i) It is intended that County Committees will have some latitude in determining for which crop or operating year(s) credit may be extended. In some cases where an initial operating loan is being made, the County Committee may indicate that the crop or operating year for which credit may be extended coincides with that for which an interim plan is developed. Such action may be taken because the Committee wishes to review the circumstances of the applicant again at the end of the interim crop or operating year before committing itself for the succeeding crop or operating year. In other cases, the County Committee may, when an application is being acted upon during the latter part of a crop or operating year, establish the maximum amount of credit for both the interim crop or operating year and the next crop or operating year, provided the operations for the current year have advanced to the point that the County Committee will be able to determine with reasonable certainty the maximum amount of credit which the applicant would need for the next crop or operating year under normal conditions. The same principles with respect to County Committee certifications for an initial loan may be followed in connection with subsequent loans.

(ii) If it is found, after an applicant has been certified as eligible, that there will be a major change in operations or that an amount of credit in excess of the maximum previously established by the County Committee will be required for the designated crop or operating year, it will be necessary for the County Committee again to certify the applicant as eligible on the basis of the changed circumstances if a loan is to be made.

(2) When the County Committee has agreed to increase the original amount of loan assistance certified for the crop or operating year because such amount was insufficient to meet the needs of the borrower, a new Form FHA 440-2 will be prepared and executed. The date of the end of the same crop or operating year (month, day, and year) as that indicated in the original certification will be inserted in the appropriate space. In the space indicating the maximum amount of credit for the crop or operating year, the amount to be inserted will be the sum of the latest certification for the crop year for any operating and emergency loans, plus the additional amount(s) of any such loan(s) the County Committee determines is necessary to meet the actual credit needs of the borrower for the remainder of the crop or operating year. A notation will be made in the blank space on Form FHA 440-2 that the County Committee has again reviewed the applicant's situation and his credit needs for the crop or operating year are as indicated rather than $_____ shown on Form FHA 440-2 dated _____. The new Form FHA 440-2 should be executed by the County Committee and dated as of that date. The Form FHA 440-2 previously executed will be retained in the case files.

(c) *Form FHA 431X1, "Long-Time Farm and Home Plan."* Form FHA 431-1 will be developed with the assistance of the County Supervisor.

(d) *Form FHA 431-2, "Farm and Home Plan."* Form FHA 431-2 will be

developed by the borrower with the assistance of the County Supervisor using Form FHA 431–1 as a framework, except when a loan is made only for the acquisition of membership or the purchase of stock in a cooperative association and the applicant is not indebted for another FHA loan. In the latter case, the best estimates available will be used to complete Table J of Form FHA 431–2 in order to determine whether the loan requested can be paid and the period over which payments should be scheduled. The source of payment should be shown in Table K. When the preparation of Table J is inadequate to enable the loan approval official to make the required determinations, other portions of Form FHA 431–2, as necessary, will be used.

(e) *Appraisal of chattel property.* (1) When a debt is to be refinanced under the provisions of § 1831.9(m), Form FHA 440–21, "Appraisal of Chattel Property," will be completed. In lieu thereof, a form issued by the State Director showing as a minimum the information required on Form FHA 440–21 may be used. Ordinarily only one appraisal form will be required with a loan docket.

(2) When funds are to be advanced for the payment of depreciation pursuant to § 1831.9(h), an appraisal will be made with respect to the farm, recreation, or nonfarm equipment involved for the purpose of making the determination required in that paragraph.

(f) *Form FHA 440–32, "Request for Statement of Debts and Collaterals."* This form will be used as necessary to obtain information from the creditors of the applicant concerning the amount of debts owed and the collateral for the debts.

(g) *Tenure agreement.* Generally, a copy of the lease agreement between tenant applicants and their landlords will be obtained and made a part of the loan docket. Where it is not practical to obtain a copy of the lease agreement, a statement setting forth those terms and conditions of the agreement which are not clearly reflected in the Farm and Home Plan will be prepared and made a part of the loan docket. A brief summary of the joint discussion between the tenant, landlord, and County Supervisor will be reflected in the running case record. If such a discussion is not held, a statement of the reasons therefor should be included in the running case record.

(h) *Form FHA 441–1, "Promissory Note."* One note will be prepared showing the full amount of the loan regardless of the number of advances involved except as provided in subparagraph (1) of this paragraph. The amount of the note will be rounded to the nearest $100. In addition to the principal, each scheduled installment will include interest. The first scheduled installment will include interest calculated from the date of the note to February 1 of the next calendar year. Instructions available in all FHA offices for preparation of Form FHA 441–1 will be used for the computation of interest. All installment due dates will be January 1 of each year except the final installment. The final installment will be payable on the date of the note plus the number of years over which the loan is amortized. No installment will be made payable later than 7 years from the date of the note. The note will be dated on the date the loan is closed. The applicant's spouse will be required to execute Form FHA 441–1 when legally required by State law, the loan approval official determines that the signature is needed because of the spouse's interest in the farm being operated or in property offered as security, or it is determined by the State Director on a State basis that the spouse's signature will be required. The State Director, with the advice of the Office of the General Counsel (OGC), will issue an appropriate State requirement concerning the spouse's signature on Form FHA 441–1. In all cases in which the wife joins with her husband in executing a promissory note or other evidence of indebtedness, the purpose and effect of the wife's signature will be, in addition to any other purpose and effect for which her signature is obtained, to engage her separate and individual personal liability regardless of any State law to the contrary. The original and copy of the promissory note, Form FHA 441–1, will be sent to the Finance Office immediately after loan closing.

(i) When an operating loan is made for purposes which would be secured in accordance with the provisions of § 1831.12(a) and simultaneously for purposes in which the security provisions of § 1831.12 (b) and (d) apply, separate notes will be required.

(i) *Form FHA 440–9, "Supplementary Payment Agreement."* In addition to its use in connection with other sources of income, this form will be used when the farm income from which payment is to be made will be received substantially before the January 1 installment due date.

(j) *Form FHA 440–1, "Payment Authorization."* (1) Only one payment authorization will be prepared for the total amount of the loan regardless of the number of advances involved. This is also true when separate notes are prepared in accordance with paragraph (h) (1) of this section. The approval official will indicate his determination that the applicant is eligible and his approval of the loan by signing and dating the original in the space provided, and by inserting his title. The type of loan will be inserted in the space provided for the purpose as follows:

(i) "OL–I" to indicate a loan to an applicant who is not indebted for an Operating loan.

(ii) "OL–S" to indicate a loan to a borrower who is indebted for an Operating loan.

(2) To assist the Finance Office in the examination of loan documents, enter on Form FHA 440–1, the date, amount, and receipt number of receipts issued for collections for which Form FHA 451–26, "Transaction Record," has not been received in the County Office when a loan is submitted which would cause the borrower's indebtedness before application of such collections to exceed the debt limitation for Operating loans or the delegated loan approval authority.

(k) *Borrower's case number.* The use of the borrower's case number (including the State and County codes) for loan processing is prescribed in the guide available in all FHA offices for preparation of Form FHA 440–1.

(l) *Immediate and future disbursements.* The applicant's total anticipated credit need for the crop or operating year will be planned when Form FHA 431–2 or Form FHA 431–4, "Business Analysis—Nonagricultural Enterprise," as applicable, are developed. Loan funds for the full amount of FHA credit required will be disbursed in an immediate advance, an immediate advance and one or more future advances, or one or more future advances without an immediate advance. All such advances must be disbursed at least 30 days apart. The payment date(s) for any future advance(s) must not be later than the date shown as the ending date of the crop or operating year, Item 2 of Form FHA 440–2. When additional FHA credit is required that could not be foreseen at the time plans for the year were completed, Form FHA 431–2 or Form FHA 431–4 will be revised to include the additional amount and a subsequent loan docket will be submitted to the Finance Office.

(1) Each advance will be limited to an amount which can be expended promptly, usually within 60 days after receipt of the check in the County Office. This will prevent loan funds from remaining in the possession of borrowers or in supervised bank accounts for long periods of time.

(2) The loan authorization will show the schedule of advances. Upon receipt of a payment authorization the Finance Office will obligate funds for the total amount of the advance(s) shown. For each future advance the date for Thursday of the week in which the loan check is to be issued will be shown on Form FHA 440–1. The Finance Office will issue checks for future advances without further action by the County Office. In order that these dates will be available in County Offices, an appropriate notation should be inserted on Form FHA 405–1, "Management System Card—Individual," if it has been prepared, or on the County Office copy of the Promissory Note.

(3) When a future advance is to be canceled the following actions must be taken:

(i) Complete Form FHA 440–10, "Notification of Loan or Grant Cancellation."

(ii) Prepare and execute a substitute note on Form FHA 441–1 reflecting the revised total of the loan and the revised repayment schedule. When it is not possible to obtain a substitute Promissory Note the County Supervisor will show on Form FHA 440–10 the revised amount of the loan and the revised repayment schedule.

(iii) Prepare a Form FHA 441–7, "OL–EM and Other Credit Analysis," to show borrower's name and case number and enter under Item I the amount for each

purpose being reduced or canceled and the total of such amounts. In the space above Item I enter in large red letters the word "Reduction."

(iv) Transmit to the Finance Office the Forms FHA 440–10, FHA 441–1 and FHA 441–7 prepared as outlined above.

(m) *Form FHA 441–5, "Subordination Agreement," or Form FHA 441–17, "Certification of Obligation to Landlord."* When a subordination agreement is required on crops, livestock, farm equipment, and other chattel property, including items which have become personal property through execution of a severance agreement, Form FHA 441–5 or other form approved by the State Director, with the advice of the OGC, where Form FHA 441–5 is not legally sufficient, will be used except as provided in subparagraph (1) of this paragraph. The years to be covered by the subordination generally will be for the period of the loan or the unexpired period of the lease if the borrower is a tenant, but as a minimum will be for the year for which the loan is made.

(1) Form FHA 441–17 may be used in lieu of obtaining a subordination agreement when it appears that the applicant is not obligated to the landlord except for rent for the lease year and that he will not incur other obligations to the landlord during such year, and when requirements set forth by the State Director authorizes the use of Form FHA 441–17 in such cases have been issued. See § 1831.12.

(n) *Assignment of or consent to payment of proceeds from the sale of products.* Form FHA 441–3, "Assignment of Proceeds from the Sale of Agricultural Products," Form FHA 441–18, "Consent to Payment of Proceeds from Sale of Farm Products," or Form FHA 441–25, "Assignment of Proceeds from the Sale of Dairy Products and Release of Security Interest," will be used in accordance with § 1831.12(a)(8). Form FHA 441–21, "Transmittal of Assignment or Consent," may be used to transmit Form FHA 441–3 or Form FHA 441–18 to purchasers.

(o) *Form FHA 440–6, "Severance Agreement."* This form will be used as required by State Directors.

(1) State Directors, with the advice of the OGC, will specify the situations in which severance agreements are required under State law to comply with the requirements of Subpart A of this part, whether the severance agreement should be filed or recorded, and whether the spouse of the borrower and the spouse(s) of other party(ies) of interest also will be required to execute the severance agreement. In specifying the situations in which severance agreements will be required, consideration will be given to the actions necessary to prevent the property from becoming part of the real estate as well as to severance after it has become attached to the real estate.

(2) If severance agreements are required in accordance with the provisions of Subpart A of this part, and requirements issued by State Directors, such agreements will be executed no later than the date on which the property purchased with loan funds is delivered to the farm, or prior to the release of loan funds to the creditor, if refinancing of debts on such property is involved.

(p) *Form FHA 440–26, "Consent and Subordination Agreement."* Unless otherwise provided by requirements issued by the State Director, this form rather than a severance agreement, will be used in Uniform Commercial Code (UCC) States when a security interest is taken in property after it has become a fixture.

(1) Consent and subordination agreements will be obtained when necessary to meet the security requirements contained in Subpart A of this part as follows:

(i) Prior to the release of loan funds to the creditor, if a debt is being refinanced on an item which already has become a fixture.

(ii) Not later than the time of loan closing, in all other cases in which a security interest is being taken on an item which already has become a fixture.

(2) Consent and subordination agreements will be taken only in those cases in which the fixture is placed on the real estate before all of the following steps have been taken: The financing statement and security agreement covering the fixture have been executed, the financing statement is filed, and the payment authorization is signed by the loan approving official.

(q) *Form FHA 441–13, "Division of Income and Nondisturbance Agreement."* Form FHA 441–13 will be used when it is necessary to obtain both a division of income and a nondisturbance agreement from prior lienholders.

(r) *Form FHA 441–10, "Nondisturbance Agreement."* Form FHA 441–10 will be used when it is necessary to obtain only nondisturbance agreements from creditors of an applicant who are in a position to interfere with the applicant's operations.

(s) *Running case record entries.* In addition to the information required by Part 1801 of this chapter, the running case record also will include pertinent information concerning the applicant's tenure arrangements and proposed operations not reflected elsewhere in the loan docket.

(t) *Form FHA 441–7, "OL–EM and Other Credit Analysis."* Form FHA 441–7 will be prepared after the loan docket otherwise is completed, and will be transmitted to the Finance Office along with Forms FHA 441–1 and FHA 440–1. This form will also be transmitted to the Finance Office as prescribed in Subpart A of Part 1871 of this chapter to show the use of other credit by borrowers not receiving operating loans during the fiscal year.

(u) *Form FHA 492–19, "Characteristics of Approved Applicants."* Form FHA 492–19 will be prepared for each initial operating loan.

(v) *Taking security instruments*—(1) *Forms to be used.* Form FHA 440A25, "Financing Statement," or Form FHA 440–25, "Financing Statement," and Form FHA 440–4, or Form FHA 440–4A, "Security Agreement," as appropriate, will be used to obtain security interests in personal property in UCC States unless State requirements provide for the use of other forms. Requirements issued by State Directors also will provide information as to whether Form FHA 440A25 or Form FHA 440–25 will be used. The financing statement and security agreement together will constitute a security instrument. Although only the financing statement is required to be filed or recorded, it is necessary also to take a security agreement in order to have a complete security instrument. (See also § 1831.12(a) (2) and (6).) Forms of chattel mortgage and crop pledge will be used in the State of Louisiana in accordance with State requirements issued by the State Director.

(2) *Describing notes on security instruments.* When security agreements, chattel mortgages, or other similar security instruments are taken, all outstanding operating loan notes, and all notes representing other operating-type debts as prescribed by the respective loan making requirements will be described on such security instruments.

(3) *Describing security property on security instruments.* The printed form of the FHA Financing Statement describes certain types of collateral. If items of collateral not covered under those types are to serve as security they should be described by types or individual items in the space provided in the financing statement for that purpose. Unless otherwise prescribed by the State Director, animals, birds, fish, and so forth, should be described by groups on the security agreement. The serial or motor number should be shown on only major items of equipment. If a security interest is to be taken in property such as inventory, supplies, recreation or other nonfarm equipment or fixtures which cannot be readily described under the column headings of items 2 or 3, as appropriate, of the security agreement, an appropriate description of such property will be inserted in item 2 or 3 below the other property described in the item without regard to the column headings. The advice of the OGC will be obtained in individual cases as to how to describe in the financing statement and security agreement items such as grazing permits, milk bases, membership or stock in cooperative associations unless the method has been prescribed by the State Director. The property to be described on security instruments should be reconciled with any existing security instruments and Form FHA 462–1, "Record of the Disposition of Security Property."

(4) *When to take security instruments*—(i) *Initial loans.* In initial loan cases the financing statement and security agreement will be taken at the time the note is executed. When the initial security agreement does not describe individually or by groups all of the collateral that is to serve as security, an all inclusive security agreement will be

taken as soon as all of the security property has been purchased. Forms of chattel mortgage and crop pledge will be taken in Louisiana in initial loan cases in accordance with State requirements issued by the State Director.

(ii) *Subsequent loans.* (a) Financing statements: A filed FHA Financing Statement is effective for a period of 5 years from the date of filing and as long thereafter as it is continued as provided in Subpart A of Part 1871 of this chapter. If the filed financing statement is still effective and covers all types of collateral that are to serve as security for the subsequent loan and describes the land on which crops or fixtures are or are to be located, a new financing statement will not be required. However, when a new financing statement is needed, it will be taken at the time the subsequent loan note is executed. Forms of chattel mortgage and crop pledge will be taken in Louisiana in subsequent loan cases in accordance with State requirements issued by the State Director.

(b) Security agreements. An additional security agreement will not be taken in connection with a subsequent loan until it is required by Subpart A of Part 1871 of this chapter, if the existing security agreement covers all types of collateral that are to serve as security for the subsequent loan, describes the land on which the crops or fixtures are or are to be located, and was taken within 1 year before the crops become growing crops, unless otherwise prescribed by the State Director.

(c) If a subsequent loan is being made and the operating loan indebtedness is being secured for the first time under the UCC, the procedure in subdivision (i) of this subparagraph with respect to securing initial loans will be followed.

(5) *Executing security instruments.* County Office employees in bonded positions are authorized to execute any legal instruments necessary to obtain or preserve security for loans. This includes financing statements, chattel mortgages and similar lien instruments, as well as severance agreements, consent and subordination agreements, affidavits, acknowledgments, and other instruments. The financing statements in UCC States, and forms of chattel mortgage and crop pledge in Louisiana, will be executed on behalf of the Government. The requirements with respect to the execution of security instruments on behalf of the borrower(s) will be the same as prescribed for Form FHA 441–1.

(6) *Filing or recording security instruments.* Ordinarily, in UCC States, financing statements will be delivered or mailed to the filing officer(s) for filing or recording, whichever is appropriate, when the loan is approved. However, when this is not practical the financing statement may be filed at a later date, but not later than the first withdrawal of loan funds from the supervised bank account or delivery of the check to the borrower. If crops or other property of the borrower are or are to be located in a State other than that of a borrower's residence, the County Supervisor servicing the loan will contact the County Supervisor in the other State for information as to the security instruments to be used and the place(s) of filing or recording in the other State. The financing statement will be filed or recorded in a manner required by State Directors. Security agreements will not be filed or recorded unless otherwise provided by requirements issued by State Directors because of special State law requirements. Forms of chattel mortgage and crop pledge will be filed or recorded in Louisiana as provided by State requirements issued by the State Director.

(7) *Additional actions required to perfect a purchase money security interest in inventory.* In order to properly perfect a purchase money security interest in inventory, it is necessary, on or before the time the debtor receives possession of the inventory, to obtain a security agreement and file a financing statement as required by this subpart, and notify in writing any parties known to have a security interest in such inventory or who have filed a financing statement covering the inventory that the FHA has or expects to acquire a purchase money security interest in the inventory being purchased with FHA loan funds. The notice must describe the inventory by item or type. These actions are necessary, for example, when FHA funds are advanced to purchase inventory in connection with a nonfarm enterprise and another creditor has on file a financing statement covering such inventory.

(8) *Fees.* Statutory fees for filing or recording financing statements, mortgages, or other legal instruments and notary and lien search fees incident to loan transactions in all cases will be paid by the borrower from personal funds, or from the proceeds of the loan.

(i) Whenever cash is accepted by FHA personnel to be used to pay the filing or recording fees for security instruments (including financing statements), or the cost of making lien searches, Form FHA 440–12, "Acknowledgment of Payment for Recording, Lien Search, and Releasing Fees," will be executed. FHA personnel who accept custody of such fees will make it clear to the borrower that the amount so accepted is not received by the Government as credit on the borrower's indebtedness, but is accepted only for the purpose of paying the recording, filing, or lien search fees on behalf of the borrower.

(9) *Retention and use of security agreements*—(i) *Originals.* Original executed security agreements will not be altered, and will not be disposed of when new security agreements are taken.

(ii) *Work copy.* Information with respect to changes in security property will be noted only on the work copy. When an additional security agreement covering all collateral for the indebtedness is taken, the work copy used in preparing the additional security agreement may be destroyed.

(10) *Security requirements in relation to "future advance" and "after-acquired property" clauses and special State statutes.* The after-acquired property and future advance provision of security agreements in UCC States will be considered valid in all respects unless otherwise provided in a requirement issued by the State Director.

(i) *Future advance provision.* A properly prepared executed and filed or recorded FHA Financing Statement and a properly prepared and executed FHA Security Agreement to give FHA a security interest in the property described thereon to secure any operating or emergency loan indebtedness owed by the debtor, including any such future loans, advances, or expenditures without regard to whether they are evidenced by promissory notes described on the security agreements, and any other FHA debts evidenced by notes described on the security agreement and any advances or expenditures made in connection with the debts evidenced by such notes.

(ii) *After-acquired property provisions.* Any after-acquired property, except fixtures, of the same type as described (individually or by groups or specifically or generally), on the financing statement and security agreement will serve as security for the debt covered thereby. The after-acquired property clause in the security agreement will encumber crops grown on the land described in the agreement and financing statement, provided they are planted or otherwise become growing crops within 1 year of the execution date of the security agreement, or such other period as provided by State requirements. Except as set forth in § 1871.33(a)(4) of this chapter, such FHA after-acquired security interests take priority over other security interests perfected after the FHA Financing Statement was filed.

(11) *Requirements by State Office.* In addition to the State requirements referred to in other subparagraphs of this paragraph, requirements will be issued by State Directors, as necessary, to provide additional routines for taking liens on motor vehicles and motor boats, and any special type of security. The requirements also will supplement subparagraph (10) of this paragraph with respect to the "future advance" and "after-acquired property" clauses of security instruments. The State Director will set forth the requirements with respect to filing or recording of security instruments if the borrower is not a resident of the State, but is conducting some operation in the State. This is for use when County Supervisors in other States request such information in accordance with subparagraph (6) of this paragraph.

(w) *Form FHA 440–45, "Nondiscrimination Certificate (Individual Housing)."* Form FHA 440–45 will be used when an operating loan includes funds for repairs or improvement of a dwelling under provisions of § 1831.10(c).

§ 1831.33 Loan docket.

(a) The loan docket will include the forms and documents listed in instructions available in all FHA offices.

(b) The documents to be submitted will be examined thoroughly by the County Office Clerk to make sure that

they are complete as to dates, signatures, and mechanical accuracy. For loans requiring approval other than in the County Office, the loan submission will consist of the required documents enumerated above and all of the applicant's County Office case folders.

§ 1831.34 Review and approval or rejection.

After the documents prescribed in § 1831.33 have been assembled, the loan approval official will make the determinations required in § 1831.14.

(a) *Approval of loans.* If the loan is to be approved, the loan approval official will date and sign Form FHA 440–1 and insert his title and grade in the spaces designated for these purposes. The loan approval official also will set forth any special conditions of approval or special security requirements in the running record in the loan docket or by memorandum. Ordinarily, after approval the original of Form FHA 441–7, Form FHA 492–19, when applicable, and the original and copy of Form FHA 440–1 will be removed from the assembled loan docket and forwarded to the Finance Office together with a copy of the memorandum from the National Office authorizing approval of the loan in those cases in which such authorization is required. However, if an operating loan is being made in connection with the making of an FHA real estate loan and one loan is dependent on the other, the loan approval official may determine that the loan checks should be issued simultaneously in order to avoid unnecessary interest charges to the applicant. The operating loan docket will be held in the County Office if it is within the approval authority of the County Supervisor, or returned to the County Office after approval in other cases, and the appropriate forms will be transmitted to the Finance Office at the same time the loan check for the real estate loan is requested. When operating loan allotments are nearly exhausted, State Offices should take the necessary steps to assure that sufficient funds are retained in their allotment to pay such loans at the time the loan check is needed. However, when it is not possible to order the real estate loan check before the end of the fiscal year, the operating loan should not be approved until after the beginning of the new fiscal year.

(b) *Rejection of loans.* If a loan is rejected, the loan approval official will indicate the reasons for the rejection in the running case record in the loan docket or in a memorandum. The County Supervisor will notify the applicant of the rejection and will return to him any tenure agreements, and any executed security instruments (including the unfiled financing statement in UCC States).

§ 1831.35 Loan checks.

(a) When a check cannot be delivered or is lost or destroyed, the Finance Office will be notified immediately.

(b) If a check is to be canceled, the County Supervisor will return the check with Form FHA 440–10 to the Regional Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, MO 64142. Copies of Form FHA 440–10 will be furnished to the Finance Office and to the State Office.

§ 1831.36 Loan closing.

(a) *Check delivery.* County Office employees in bonded positions will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on Form FHA 440–8, "Notice of Check Delivery." Following loan closing, when a supervised bank account is required and the depository bank does not require the borrower's endorsement for deposit, the County Supervisor may deposit the loan check in the supervised bank account and furnish the borrower a copy of the deposit slip. When a loan check is delivered direct to the borrower, or when the check is deposited in a supervised bank account, the amount and date thereof will be entered on Form FHA 405–1.

(b) *Form FHA 440–13, "Report of Lien Search."* Form FHA 440–13 or other form providing substantially the same information will be prepared.

(1) Lien searches will be obtained at a time which will assure that the security instruments give the Government the required security. Under this policy the lien search normally will be obtained at the time the financing statement (mortgage or crop pledge in Louisiana) is filed or recorded. However, lien searches may be obtained after that date, but in no case later than the first withdrawal of any loan funds from the supervised bank account or delivery of the check to the borrower. Lien searches may also be obtained in connection with processing applications when such searches are determined to be necessary on an individual case basis, but in these cases it will be necessary to obtain continuation searches to meet the policy prescribed above.

(i) Under the UCC it is necessary to obtain lien searches in connection with the making of subsequent loans only in those cases in which an additional financing statement is required. This is when crops or fixtures to be taken as security are or are to be located on land not described on the existing financing statement or property not otherwise covered by the financing statement is to be taken as security for the operating loan debt.

(2) Except as otherwise provided in this subparagraph, applicants are required to obtain and pay the cost of lien searches. County Supervisors will make inquiries locally concerning the available sources through which satisfactory lien searches can be obtained at nominal cost to applicants. However, applicants should select the sources through which lien searches are made. The cost of lien searches may be paid from the proceeds of loan checks when necessary.

(i) County Office employees may make continuation lien searches when such searches are made as referred to in the last sentence of subparagraph (1) of this paragraph.

(ii) State Directors may authorize the employees of a particular County Office unit to make lien searches without cost to applicants when the cost of lien searches is exorbitant, such service is not available, or experience has shown that the service available will cause undue delay in the closing of loans or make it difficult to comply with the provisions of subparagraph (1) of this paragraph.

(3) State Directors, with the advice of the OGC, will issue requirements setting forth the minimum requirements for lien searches, including the records to be searched and the period to be covered with respect to each.

§ 1831.37 Revision in the use of operating loan funds.

(a) *Authority of the County Supervisor or Assistant County Supervisor (GS–7 or GS–9).* The County Supervisor or Assistant County Supervisor (GS–7 or GS–9) is authorized to approve changes in the purposes for which loan funds are to be used provided:

(1) The loan was within the respective loan approval official's authority.

(2) Such a change is for an authorized purpose and within applicable limitations.

(3) Such a change will not adversely affect the feasibility of the operation, or the Government's interest. If the County Supervisor is uncertain as to the probable effect the change would have on the feasibility of the operation or on the Government's interest, he should obtain the advice of the State Director prior to approving the change.

(b) *Authority of State Office officials.* (1) The State Director may delegate additional authority to County Supervisors to approve certain kinds of changes in the use of loan funds upon prior approval from the National Office.

(2) The State Director and employees in the State Office who have loan approval authority are authorized to approval changes in the use of loan funds provided the changes are consistent with authorities, policies, and limitations for making operating loans.

(c) *Documentation and routines.* When changes are made in the use of loan funds, no revision will be made in the repayment schedule on Form FHA 441–1 or in the loan record of the Management System Card—Individual, nor will a corrected Form FHA 441–7 be prepared. However, when funds loaned for the purchase of capital goods are to be used to meet operating expenses, the borrower must agree to repay the funds so used in accordance with the repayment terms prescribed in § 1831.11. Appropriate changes with respect to the repayments will be made in Table K of Form FHA 431–2 and initialed by the borrower. The County Supervisor also will make appropriate notations in the "Supervisory and Servicing Actions" section of the Management System Card—Individual for followup.

Dated: November 23, 1971.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.71–17428 Filed 11–29–71;8:51 am]

[7 CFR Part 1861]

[FHA Instruction 451.1, AL-990(451)]

ACCOUNT SERVICING POLICIES

Notice of Proposed Rule Making

Notice is hereby given that the Farmers Home Administration is considering a revision of Subpart A or Part 1861, "Account Serving Policies," to:

1. Remove all references for the account servicing of participation loans.

2. Remove any references to the proration of regular and extra payments and to redefine the term "refunds" as used in Form FHA 441-1, "Promissory Note," to mean the return of funds advanced for capital goods.

3. Authorize employees receiving collections to make exceptions to the provisions of § 1861.4(a) (1), (2), and (5) when it is necessary to apply a part of a payment to delinquent accounts to prevent the Federal statute of limitations from being asserted as a defense in suits on FHA claims. This document is a revision of rules currently in effect under §§ 1861.1 to 1861.9 of this subpart (31 F.R. 14194 through 14197).

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed amendment to the Assistant Administrator for Management, Farmers Home Administration, U.S. Department of Agriculture, Room 5013, South Building, Washington, D.C. 20250, within 20 days after date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Assistant Administrator for Management during regular business hours. (8:15 a.m.-4:45 p.m.)

As proposed, the revised Subpart reads as follows:

Subpart A—Accounting Servicing Policies

Sec.

AUTHORITY: The provisions of this Subpart A issued under sec. 339, 75 Stat. 318, 7 U.S.C. 1989, sec. 510, 63 Stat. 437, 42 U.S.C. 1480, sec. 4, 64 Stat. 100, 40 U.S.C. 442, sec. 602, 78 Stat. 528, 42 U.S.C. 2942, sec. 301, 80 Stat. 379, 5 U.S.C. 301, Order of Acting Secretary of Agriculture, 36 F.R. 21529, Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 F.R. 21529, Order of Director, OEO, 29 F.R. 14764.

Subpart A—Accounting Servicing Policies

§ 1861.1 General.

Borrowers will be required to pay their debts to the Farmers Home Administration (FHA) in accordance with their agreements and their ability to pay and will be encouraged to pay ahead of schedule to an extent consistent with sound farming and money management. When borrowers have acted in good faith and have exercised due diligence in an effort to pay their indebtedness but cannot pay on schedule because of circumstances beyond their control, future servicing actions will be consistent with the best interest of the borrower and the Government. County Supervisors will be responsible for servicing all FHA accounts as prescribed by this subpart and under the general guidance and supervision of State Office personnel.

(a) *Accounts of active borrowers.* The foundation for proper and timely debt payment is sound farm and home planning or budgeting, including plans for debt payments supplemented by effective followup supervision. Account servicing, therefore, must begin with initial planning and must be an integral part of yearend analysis and subsequent planning, as well as followup supervision when required.

(b) *Accounts of collection-only borrowers.* (1) Collection-only borrowers are expected to discharge debts owed by them to FHA in accordance with their ability to pay. Efforts to collect such debts, including effective use of collection letters and account servicing visits, must be coordinated with other program activities. If these borrowers are unable to pay in full, established debt settlement policies should be applied in appropriate cases.

(2) When a collection-only borrower who is employed by the Federal Government has the ability to pay all or a part of the debt owed by him to FHA but refuses to do so, the employing agency, including the military establishment or the Coast Guard, will be contacted by the County Supervisor. The purpose of such contact will be to arrange for the orderly retirement of the debt by allotment or otherwise. This procedure is authorized by 4 CFR 102.5 of Chapter II of the Joint Regulations issued by the General Accounting Office and the Department of Justice pursuant to section 3 of the Federal Claims Collection Act of 1966. If the efforts to collect the debt through this means fail, the County Supervisor will submit the case to the State Director in accordance with the provisions of § 1871.41(c) of this chapter.

(c) *Notifying FHA borrowers of payments.* County Supervisors are responsible for notifying borrowers of the dates and amounts of payments that have been agreed upon for all types of accounts. Form FHA 451-3, "Reminder of Payment To Be Made," or similar form, approved by the State Director, will be used for this purpose. These notices will be timed to reach borrowers immediately prior to the receipt of the income from which the payments should be made, or prior to the installment due date on the note, as appropriate. Such notices need not be sent, however, when frequent payments are scheduled and the borrower customarily makes his payments when due. The County Supervisor may include on Form FHA 451-3 other pertinent information, such as a reference to agreements reached during the year and sources of income from which the payment was planned.

(d) *Subsequent servicing.* If a borrower fails to make a payment as agreed upon, the County Supervisor will write or otherwise contact the borrower or request him to make the payment or request him to come to the office to discuss the reasons why the payment was not made and to develop specific plans for making the payment. In the event the borrower refuses to make the payment when he has the income, or it is determined that his farming operations will not permit him to make the payment in a reasonable length of time, as well as make future payments, action will be taken to protect the Government's security interest in accordance with applicable FHA requirements. Followup actions for subsequent servicing will be noted on appropriate forms.

§ 1861.2 Definition of types of payments on all loan accounts.

(a) *Regular payments.* Regular payments will be all payments other than extra payments and refunds. Usually, regular payments will be derived from normal farm income, but not including proceeds from the sale of basic chattel or real estate security. Regular payments also will include payments derived from sources such as Agricultural Conservation Program payments (other than those those referred to in paragraph (b) of this section), off-farm income, inheritances, life insurance, and normal income as defined in § 1872.7(b) of this chapter, including income from leases or bonuses. Regular payments in the case of a Section 502 RH loan to an applicant involved in an authorized mutual self-help project will include loan funds advanced for the payment of any part of the first and second installments.

(b) *Extra payments.* Extra payments will be payments derived from sale of basic chattel or real estate security, including rental or lease of real estate security of a depreciating or depleting nature, refinancing of the real estate debt, mineral royalties, cash proceeds of real property insurance as provided in § 1805.5(b) of this chapter, a sale, pursuant to a condition of loan approval, of real estate not mortgaged to the Government, Agricultural Conservation Program payments as provided in §§ 1821.53

(e), 1831.12(a)(8), and 1821.7(c) of this chapter, and transactions of a similar nature.

(c) *Refunds.* Refunds will be payments derived from the return of unused loan or grant funds, except that the term "refunds," as used in Form FHA 441–1, "Promissory Note," shall be construed to mean the return of funds advanced for capital goods.

§ 1861.3 Distribution of payments when a borrower owes both real estate and other loans to the FHA.

(a) *Distribution of regular payments.* When a borrower owes both FHA real estate loans and other FHA loans, payments received from each crop year's income as regular payments will be distributed in accordance with the following principles, except that when the County Supervisor determines that it is reasonable to expect that the income which will be available for payment on FHA debts will be sufficient to pay the installments scheduled for the year under the first and second priorities, collections may be distributed so as to avoid unnecessary delinquencies, and regular payments derived from rental or lease of real estate security after approval of foreclosure or voluntary conveyance will be distributed to the real estate lien of the highest priority.

(1) First, to other than real estate loans an amount equal to any advances for the year's operating expenses.

(2) Second, to the real estate and other FHA loans in proportion to the approximate amounts due on each for the year. In determining the amounts due for the year on other than real estate loans, deduct an amount equal to any advances for the year's operating expenses.

(3) Third, to the real estate and other FHA loans in proportion to the delinquencies existing on each.

(4) Fourth, to the real estate and other FHA loans for making advance payments. In making such distribution take into consideration the principal balance outstanding on each, the relative security position of each type of loan, the borrower's wishes, and related circumstances. In individual cases in which the accounts are out of balance because of improper distribution of payments in the past or in which the interest of the Government cannot be properly protected by distribution of payments as provided above, distribution will be made so as to correct such improper distribution or to protect the Government's interest.

(b) *Distribution of extra payments.* Extra payments will be distributed first to the FHA loan having highest priority of lien on the security from which the payment was derived, except as otherwise provided in § 1872.3(e) of this chapter. When the payment is in excess of the unpaid balance of the FHA lien having the highest priority, the balance of such payment will be distributed to the FHA loan having the next highest priority.

(c) *Application of payments.* After the decision is reached as to the amount of each payment that is to be distributed to the real estate and other FHA loans, application of the payment will be governed by § 1861.4 or § 1861.5, as appropriate.

§ 1861.4 Application of payments on operating (OL), emergency (EM), economic opportunity (EO) loans to individuals, soil and water conservation (SW), coded "24," and other production-type loan accounts.

Employees receiving payments on OL, EM, EO loans to individuals, SW coded "24" and other production-type loan accounts will select, in accordance with the provisions of this paragraph, the account or accounts to which such payment will be applied. Such employees will show the loan code of the account selected in the first column of Form FHA 451–1, "Receipt for Payment," on loans approved on or before December 31, 1971. The payment applicable to the loan code will be shown in the "Total" column. All payments will be credited by the Finance Office first to unpaid billed interest and then to principal. Employees receiving collections are authorized hereby to make exceptions to the policy of payments being applied to interest first when the unpaid billed interest is not due under the provisions of the note or notes and the borrower requests that his payment be applied to principal only. The notation "Interest not due" will be inserted on the Form FHA 451–1 in the application block. In general, however, borrowers should be encouraged to pay all billed interest first. All payments on loans approved January 1, 1972, and later, will be credited first to interest to the date of the payment and then to principal.

(a) *Rules governing the selection of accounts.* The following rules will govern the selection of accounts and installments to which payments will be applied.

(1) Payments derived from the sale of mortgaged property representing normal farm income or from assignments of income will be applied first to accounts with small balances, including recoverable costs, for the purpose of removing such accounts from the records. Any balance of the remittance will be applied on debts secured by the mortgage in the following order:

(i) To amounts due or falling due on loans made in connection with the current year's operations, except:

(*a*) When funds loaned for the purchase of capital goods were used to meet the current year's operating expenses (see § 1831.37 of this chapter), payments will be applied first to the final unpaid installments to the extent of the loan funds so used. Such payments will be treated as extra payments.

(*b*) When installments on loans previously made fall due early in the year and prior to the installment on the loan for the current year's operations or when such loans are delinquent and it is anticipated that sufficient income be received to meet the installment on the current year's operations when due, collections may be applied first to installments on loans made in previous years.

(ii) To accounts having the oldest delinquencies, or if no delinquencies, to the oldest unpaid account, except that the amount available for payment on operating and emergency loan accounts will be prorated between the two accounts on the basis of the delinquent amount owed on each, or the total amount owed on each if there are no delinquencies.

(2) Payments derived from the sale of basic security, including real estate security, will be applied to the earliest account secured by the earliest mortgage covering such basic security. The amount to be applied to principal will be applied to the final unpaid installment(s).

(3) On partial loan refunds, the amount to be applied to the principal will be applied to the final unpaid installment(s) on the note(s) which evidences such advance(s), except when such refund represents an advance for current farm and home expenses repayable within the year, it may be applied to the principal on the first unpaid installment on such note as a regular payment.

(4) Total refunds of loan advances will be applied to the notes which evidence such advances.

(5) In applying payments from sources other than those in subparagraphs (1) to (4) of this paragraph, the borrower has the right of election as to the loan account(s) on which such payments will be applied. In the absence of the borrower's election, such payments generally will be applied in the following order:

(i) To accounts with small balances (including recoverable costs).

(ii) To accounts with the oldest unsecured note(s).

(iii) To accounts with the oldest delinquencies.

(iv) To accounts with the oldest secured note(s).

(6) Employees receiving collections are authorized to make exceptions to the provisions of subparagraphs (1), (2), and (5) of this paragraph when it is necessary to apply a part of a payment to delinquent account(s) to prevent the Federal Statute of Limitations from being asserted as a defense in suits on FHA claims.

(7) When a borrower owes both FHA and State Rural Rehabilitation Corporation (SRRC) loan accounts, payments described in subparagraph (5) of this paragraph in the absence of the borrower's election and any balances remaining after payments are made under subparagraphs (1) and (2) of this paragraph will be prorated between FHA and the SRRC loan accounts on the basis of the total balances (including principal and interest) owed to each. The portions thus prorated will be applied respectively to the FHA and SRRC loan accounts as prescribed in subparagraph (5) of this paragraph.

(8) When the Government has advanced funds to complete SRRC commitments any payment that normally would be applied to any of the borrower's SRRC accounts will be applied to the IF _____ account until it is paid.

(9) Application of payments to notes within loan-type accounts will be made in accordance with the general rules set

forth in subparagraphs (1) through (7) of this paragraph. County Supervisors are authorized to apply payments to specific notes within loan-type accounts according to the rules of application prescribed in this paragraph when the need for such application arises. Form FHA 451–4, "Statement of Application of Remittances," will be used for this purpose.

(b) *Payments in full.* (1) When it is intended to pay one or more of a borrower's accounts in full, the collection official will collect all of the interest and principal shown on the latest Form FHA 450–1 for the account(s) to be paid in full plus interest on the account from the date of the Form FHA 450–1 to the date of the collection.

(2) Errors of significant amount in computation or collection will be called to the attention of the official making the collection by the Finance Office and the borrower's note will not be returned until the balance on the loan account is paid in full. Claims by or on behalf of the borrowers that the amounts owed have been computed incorrectly will be referred to the Finance Office.

§ 1861.5 Application of payments on farm ownership (FO), SW (except SW loans coded "24" but including SW loan accounts coded 13F), rural housing (RH), labor housing (LH), senior citizen rental housing (SCH), rural rehabilitation (RR), and resettlement project (RP) cooperative association, and other real estate (ORE) accounts.

(a) *Regular payments.* If a borrower owes more than one type of real estate loan, or has received initial and subsequent loans on which separate accounts are maintained, payments on such accounts should be applied so as to maintain the note accounts approximately in balance at the end of the year with respect to installments due on the notes and other charges. For example, to the extent feasible, payments should not be applied so that at the end of the year installments of one account are prepaid while an installment due on another account remains unpaid or delinquent.

(1) *Direct loan accounts.* All regular payments on direct loan accounts will be applied first to interest accrued to the date of the receipt of payment, and then to principal.

(2) *Insured loan accounts.* All regular payments on insured loan accounts will be applied first to any unpaid balance of the insurance account (see § 1861.9(a)(2)(ii)), including unpaid interest on any advances from the insurance fund which is shown on the statement of account, and second to interest accrued on the note as of the date of the receipt of payment. Any remainder will be applied to the principal balance on the note.

(b) *Refunds and extra payments.* (1) Refunds will be applied to the note representing the loan from which the advance was made.

(2) Extra payments will be applied to the note secured by the earliest mortgage on the property from which the extra payment was obtained.

(3) Refunds and extra payments will be applied first to interest accrued on the note and the remainder to the principal balance on the note. Extra payments and refunds will not affect the schedule status of a borrower except indirectly in connection with the reamortization of a direct loan pursuant to § 1861.9(e).

(4) Funds remaining from an RH grant or a combination loan and a grant, after completion of development, will be refunded. If the borrower received a combination loan and grant, the remaining funds up to the amount of the grant are considered to be grant funds.

(c) *County Office actions*—(1) *Preparation of receipt.* The collecting official will complete Form FHA 451–1 in accordance with appropriate instructions showing for each loan account the proper loan code in the first column, whether the collection is a regular payment, extra payment, or refund in the fourth column, and the total amount to be applied to each loan account in the fifth column.

(2) *Substitution of County Office copy of Form FHA 451–1.* When the County Office is advised by the Finance Office on the yellow copy of Form FHA 451–1 of the application of the payment, the yellow copy of Form FHA 451–1 will be substituted for the County Office copy of Form FHA 451–1.

(3) *Notifying borrowers of application of payments.* (i) For those borrowers who desire to be notified of the application of payment for which Form FHA 451–1 is issued, Form FHA 451–6, "Application of Payment on Loan Account," may be sent to the borrower when application of each payment is known in the County Office or periodically as agreed to with the borrower.

(ii) When Form FHA 451–23, "Distribution of Default Credit," is received from the Finance Office showing that an advance has been made for the account of the borrower out of the insurance fund, those borrowers who desire to be notified of the application of each payment may be notified by letter of the amount and date of the advance and the application of the advance to interest and principal.

(iii) When the Finance Office returns the yellow copy of Form FHA 451–1 to the County Office showing the application of the payment to principal and interest on the note, interest and principal on advances from the insurance fund, payment of the loan insurance charge, or any change in the application of a payment, the County Office may indicate the correct application on the County Office copy of the form and forward it to the borrower. If the payment received from the borrower is to reimburse the insurance fund for a payment made on the borrower's note account, County Office personnel should be prepared to explain to the borrower the amount of the payment reflected on the receipt that represents the amount of interest that was advanced from the insurance fund in making the payment on the note account.

(d) *Finance Office handling*—(1) *Regular payments*—(i) *Direct loan accounts.* Amounts paid on direct loan accounts will be credited to the borrower's account as of the date of Form FHA 451–1 and will be applied first to interest accrued to the date of the receipt and second to principal.

(ii) *Insured loan accounts.* Amounts paid on insured loan accounts will be credited to the borrower's account as of the date of Form FHA 451–1 and will be applied in the following order:

(*a*) Billed interest on advances from the insurance fund as shown on the latest annual statement of account. (If the collection is intended for final payment of the loan, or to pay the insurance account in connection with an assumption agreement, the collection will be applied first to the interest accrued on the advance to the date of the receipt.)

(*b*) Principal of advance from the insurance fund.

(*c*) Unpaid loan insurance charges, including the current year's charge, when applicable.

(*d*) Accrued interest to the date of Form FHA 451–1 on the note account and then to the principal balance of the note account.

(2) *Extra payments and refunds.* Extra payments and refunds will be credited to the borrower's note account as of the date of Form FHA 451–1 and will be applied first to interest accrued to the date of the receipt and second to principal. Extra payments and refunds will not affect the schedule status of a borrower except indirectly in connection with the amortization of a direct loan pursuant to § 1861.9(e).

(3) *Notice of applications.* The yellow copy of Form FHA 451–1, showing the application of the payment, will be returned to the County Office.

(4) *Remittances to lender.* The Finance Office will remit final payments promptly. Other collections (regular, extra, and refunds) applied to a borrower's insured note will be accumulated until the annual installment due date, and will be remitted along with any advances from the insurance fund to the lender within 30 days after the installment due date. All payments to a lender will be credited first to interest to the date of the Treasury check and then to principal. Since the application of a payment to a borrower's account with the Government and the Government's account with a lender is as of a different effective date, the balance owed by a borrower to the Government and by the Government to a lender ordinarily will not be the same. When the bond of an insured SW association loan provides semiannual payments, remittances will be made on a semiannual basis. When an insured note or the insurance endorsement does not provide for the remittance of collections annually and the holder objects to receiving payments on an annual basis, such objection will be referred to the Finance Office. If, after explanation by the Finance Office, the objection is not withdrawn, payments will be remitted to the holder in accordance with the terms of the note.

§ 1861.6 Changes in the application of loan payments.

(a) *Authority to State Directors.* State Directors are hereby authorized to approve requests for changes in the application of payments between a borrower's

real estate and other loan accounts when payments have been applied in error and such requests conform to the policies expressed in this subpart. However, no change in the application of payments will be made if the payment applied in error resulted in the payment in full of any FHA loan of the borrower and the canceled note(s) has been returned to him.

(b) *Authority to County Supervisors.* County Supervisors are hereby authorized to approve requests for changes in the application of payments within and between OL, EM, SL, SW coded J, and other production-type loan accounts and within and between real estate accounts, when payments have been applied in error and such requests conform to the rules of application set forth in this subpart. In areas in which the number of requests for reapplication appear to be excessive, the Finance Office will furnish the State Director with the number, by counties, of such requests. State Directors will be responsible for correcting such conditions.

(c) *Form FHA 451-7, "Request for Change in Application."* Requests for changes in application of payments will be made on Form FHA 451-7 which will be prepared by the County Supervisor in an original and two copies.

(d) *Changes made by the Finance Office in application of remittances.* (1) When reapplication of collections is initiated and made by the Finance Office because of renewal notes or because of erroneous application made by that office, it will be accomplished by means of Form FHA 451-8, "Journal Voucher for Loan Account Adjustments," or Form FHA 405-8, "Journal Voucher for Insured Loan," a copy of which will be forwarded to the County Office.

(2) When it is necessary for the Finance Office to make any corrections in Form FHA 451-1 as prepared by the County Office, the Finance Office will notify the County Office by returning the yellow copy of Form FHA 451-1 stamped "Receipt Corrected." Upon receipt of the yellow Form FHA 451-1, the County Office copy thereof will be destroyed unless such copy is forwarded to the borrower.

(e) *Notifying borrowers.* County Supervisors will inform borrowers of any reapplication between real estate and other loan accounts, and of any other application of a significant amount. Borrowers may be notified by letter, by the use of Form FHA 451-6, or by indicating the reapplication on the County Office copy of Form FHA 451-1 or Form FHA 451-7 and sending it to the borrower.

§ 1861.7 Overpayments and refunds.

(a) If, after all principal and interest indebtedness of a borrower has been repaid, there is an additional amount identifiable as "excess" for credit to the borrower, the finance office will refund the amount due the borrower. The refund check will be mailed to the borrower in care of the County Supervisor, who will examine his records to see that the refund is due before delivering the check.

(b) If a borrower believes he has made an overpayment and requests a refund, such a request must be in writing. County Supervisors will discourage borrowers from making requests for refunds in cases in which the County Office records show that a refund is not due, unless after being advised of what the County Office records show the borrower still believes he is entitled to a refund. In the latter event, the County Supervisor will forward the request to the finance office for further examination. When refunds are requested, finance office computations will control.

(c) Underpayments or overpayments of less than $1 will not be collected or refunded (except as provided in paragraph (b) of this section) since the expense of processing the action would be more than the amount involved.

§ 1861.8 Return of paid-in-full or satisfied notes to borrower.

(a) *Return of notes after collection.* When a note (or loan-type account) evidencing an OL, EM, EO, SL, SW loan coded 24, or other production-type loans has been satisfied by payment in full, or otherwise, the finance office will attach such notes to the original of Form FHA 451-26, "Transaction Record," and mail them to the County Office. The County Supervisor will examine the borrower's records in the County Office and determine that the account has been satisfied before delivering the note(s) to the borrower (refer to § 1871.13 of this chapter for the satisfaction of security instruments). The note(s) will be returned to the borrower immediately except that:

(1) When the final payment is made in a form other than currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company, the note(s) will not be surrendered until 15 days after the date of final payment, and

(2) When notes are needed in making marginal releases or satisfactions of security instruments, the notes will be held until the instruments are satisfied.

(b) *Surrender of notes to effect collection.* (1) In individual cases, County Supervisors are authorized to request the finance office in writing to furnish them with promissory notes, together with a statement of the amount due under such notes, when the surrender of the notes is necessary to effect final collection.

(2) County Supervisors are authorized to surrender notes to borrowers in such cases when final payments of the amount due are made in the form of currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company.

(c) *Lost notes.* If notes evidencing satisfied accounts cannot be found, the following statement will accompany the original of Form FHA 451-26: "The note(s) in the principal amount(s) of $ (list principal amount of each note separately) evidencing the paid-in-full or satisfied account covered by this statement cannot be located." This statement will be signed by the Assistant Head, Communications and Records Management Section. State Directors may authorize County Supervisors to execute appropriate affidavits regarding lost notes in cases in which such affidavits are requested by borrowers. The form of such affidavits will be approved by the Office of the General Counsel (OGC).

(d) *Return of notes reduced to judgment.* Notes which have been reduced to judgment are a part of the court records and ordinarily cannot be withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except upon the written request of the judgment debtor or his attorney. Such requests will be referred to the OGC.

(e) *Debt settlement cases.* Refer to Part 1864 of this chapter for the handling of notes in debt settlement cases.

§ 1861.9 Definitions and other information on FO, SW, ORE, RH, LH, and SCH accounts.

(a) *Installment on note and other charges.* (1) *Direct loan accounts.* For a borrower with a direct loan, the term "installment on note and other charges," as used in this subpart will be the sum of the following:

(i) Annual installment for the year as provided in his promissory note(s).

(ii) Any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(2) *Insured loan accounts.* "Loan insurance charge" means a separate insurance charge applying to FO and SW insured loans evidenced by promissory note forms bearing a form date (or revision date) prior to January 8, 1959. For all insured loans evidenced by note forms bearing a form date (or revision date) of January 8, 1959, or later, the insurance charge is called "annual charge" and is included in the interest portion of the annual installment shown in the note. For a borrower with an insured loan, the term "installment on note and other charges" means the sum of the following:

(i) Annual installment for the year as provided in his promissory note.

(ii) Amounts owed the Agricultural Credit Insurance Fund. These amounts are covered by the general term "Insurance Account" and consist of the following:

(*a*) Unpaid loan insurance charges from prior years.

(*b*) Loan insurance charge for the current year. The loan insurance charge is computed on the basis of the amount of the unpaid principal obligation as of the installment due date and is due and payable on or before the next installment due date.

(*c*) Any unpaid balance on advances from the insurance fund, including any recoverable cost charges paid for the borrower during the year, such as taxes and insurance.

(d) Any accrued interest on advances from the insurance fund as shown on the statement of account.

(iii) The amounts owed on the insurance account must be paid by regular payments each year whether or not the note account is ahead of schedule.

(b) *Schedule status.* For direct and insured loans, a borrower will be on schedule when the sum of his regular payments through the last preceding due date of the note equals the sum of "installments on his note and other charges" due through the same date. Such a borrower will be ahead of schedule or behind schedule when the sum of such regular payments is larger or smaller, respectively, than the sum of such "installments on his note and other charges."

(c) *FO payments.* FO borrowers generally will be encouraged to establish a prepayment reserve by paying their FO indebtedness in accordance with the terms of agreements entered into and their ability to pay. The agreements of many borrowers provide a system of variable payments which permits paying more than the scheduled installment on the note and other charges in good years and using the excess to reduce the amount to be paid in poor years. The prepayment reserve which can be established under this system contributes to the security of the borrower's farm ownership by serving as a cushion against the many hazards with which farmers are confronted. The borrower who pays in accordance with his agreements and his ability to pay, operates his farm efficiently, and acts in good faith with respect to other mortgage covenants will enjoy reasonable security in the ownership of his farm. The variation in payment requirements between borrowers resulting from the use of different forms of notes and other payment agreements, with the exception of borrowers required only to pay the fixed annual installment, does not make them inconsistent with the principles of these policies.

(1) *Payment requirements.* All borrowers may make payments ahead of schedule at any time.

(i) FO borrowers whose loans were approved prior to November 1, 1946, and are repaying their loans under variable payment agreement Forms FSA–LE–228 or FSA–550, will be required, subject to the terms of the agreement to pay each year the amount determined by the County Supervisor to be within their ability to pay.

(ii) Any borrower whose agreement calls only for fixed payments will be encouraged to make additional payments in accordance with his ability.

(iii) Other FO borrowers whose promissory note or supplementary agreement calls for variable payments will be required to pay one installment on note and other charges each year plus any amount the borrower is behind schedule plus any additional sums agreed to by the borrower and the County Supervisor. However, any borrower who is ahead of schedule and whose income for the year is determined to be below normal will be required to pay at least an amount sufficient to keep him on schedule as of the next due date.

(a) The County Supervisor will make a determination as to whether or not a borrower's income for the year was below normal only when requested to do so by a borrower who is ahead of schedule and has not paid an amount equal to the installment on note and other charges for the year. The County Supervisor will advise such a borrower by letter as to whether or not his income for the year has been determined to be below normal and whether he will need to pay a full installment for the year or may pay less than a full installment.

(b) The borrower's income will be considered not below normal when it is equal to or exceeds an amount sufficient to pay usual family living and reasonable farm operating expenses, make normal capital replacements within reasonable conformance with the farm and home plan, and pay installment on his note and other charges for the year. If the borrower is not receiving year-end analysis, the determination of whether the borrower had a below-normal income year will be made on the basis of an estimate of the borrower's income, based on the information concerning the borrower's production for the year as compared with the production of other borrowers in the area. The County Supervisor may take into consideration factors which probably would affect the borrower's income, such as drought, hail, or insects prevalent in the area and on the borrower's farm, the prevailing level of commodity prices compared with the costs which were probably encountered by the borrower in his particular type of farming, and any other relevant information acquired by the County Supervisor during the year from farm visits, personal interviews, or other reliable sources.

(iv) Any FO borrower whose loan is evidenced by a promissory note from bearing a form date (or revision date) of September 12, 1961, or later, may use ahead-of-schedule payments to forego subsequent payments or to supplement the amount available during any year for payment on his annual installment on note and other charges. All borrowers should be encouraged to establish prepayment reserves.

(d) *RH, LH, RRH, and SW payments.* (1) A borrower may make payments ahead of schedule at any time. He may later use such ahead-of-schedule payments to forego payments or to supplement the amount available during any year for payment on his annual installment on note and other charges. All borrowers should be encouraged to establish prepayment reserves.

(2) One annual installment on note and other charges will be due each year plus any amount behind schedule, except that a borrower who is ahead of schedule will be required to pay an amount sufficient to keep him on schedule as of the next due date.

(e) *Reamortizing direct or insured FO, RH, or individual SW accounts.* (1) Such accounts may be reamortized when: (i) Authorized under Subparts A or B of Part 1821 in connection with making the borrower an additional loan, or

(ii) The borrower has made extra payments or refunds or both totaling 10 percent or more of the loan being reamortized and the State Director determines that the borrower cannot reasonably be expected to meet his obligations unless the account is reamortized to substantially reduce the annual installments. The County Supervisor will send to the State Director for consideration a completed Form FHA 451–21, "Request for Reamortization of Real Estate Loan," together with a statement of the borrower's extra payments and refunds based on a statement of account from the Finance Office. The date to be inserted on Form FHA 451–21 at the end of the amortization period will be the maturity date of the note to be reamortized. If the State Director makes such determination and approves the reamortization, he will indicate his approval on Form FHA 451–21.

(2) For an insured loan, a new promissory note in an original and one copy executed by the borrower together with an approved Form FHA 451–21 will be sent to the Finance Office. The note form to be used in the preparation of the new note will be the same form number and have the same revision date as the note being reamortized, and if the form is not available in existing stock it will be duplicated. If the loan is owned by a private holder, the Finance Office will have the note assigned to the insurance fund before processing the reamortization. The new note will renew the original note, will show as principal the total amount owed by the borrower as of the date of reamortization, and will show the new annual installment as indicated in subparagraph (2) of this paragraph. This new note will be dated as of the date of reamortization and will be modified as follows:

(i) In the final installment provision (which is usually at the end of the second sentence of the note), the printed language will be changed to read substantially as follows:

Except that the final installment of the entire indebtedness evidenced hereby, if not sooner paid, shall be due and payable_____ 19__.

The due date of the final installment will be inserted in the blank space. The change in the printed language will be initialed by the borrower in the margin alongside the change.

(ii) At the end of the note, above the borrower's signature, insert the following:

This note is given in renewal, but not in satisfaction, of a note from borrower to Government dated_____ 19__, in the principal sum of $_____.

The date and face amount of the original note will be inserted in the blank spaces.

(3) On the back of the original of the note being reamortized, below all signatures and endorsements, the Finance Office will insert the following:

A renewal note dated _____ 19 __, in the principal sum of $_____ has been given in renewal but not in satisfaction of this note.

(4) The legend in subdivision (ii) (a) (3) of this subparagraph will be inserted on the back of the copy of the note by the County Supervisor and such copy will be retained in his files. The date and amount of the renewal note will be inserted in the blank space in the legend provided for in subdivision (ii) (a) (3) of this subparagraph.

(5) If the borrower has an assumption agreement and the State Director approves reamortization, the State Director will forward the case file to the National Office for instructions.

(b) For a direct loan, the State Director will send only an approved Form FHA 451–21 to the Finance Office, requesting that the Finance Office reamortize the account within the remaining period of the note or assumption agreement.

(2) For an insured loan a revised amortization schedule will be calculated in accordance with the following principles:

(i) The total amount (interest and principal and any amount owed the insurance fund) owed on the account as of the date of reamortization will be reamortized as indicated below.

(a) First installment. After considering the debt paying ability of the borrower, the first installment will be determined as follows:

(1) It may be less but not more than the regular annual installment.

(2) It may not be less than the amount equal to interest from the date of reamortization to February 1 or May 1 of the year following the calendar year in which the loan is reamortized. The February 1 date applies to loans bearing a due date of January 1, and the May 1 date applies to loans bearing a due date of March 31.

(b) Regular installments. Regular installments will be calculated in accordance with the appropriate amortization schedule available from any FHA County or State Office, or from its National Office at 14th and Independence Avenue SW., Washington, DC 20250, for the remaining number of years of the original note.

(c) The annual installment due dates will be the same as the due date on the note being reamortized.

(3) For a direct loan, when the reamortization schedule has been calculated and processed, the Finance Office will notify the County Supervisor by use of Form FHA 451–3 of such reamortization and will make a notation of the amount of the new annual installment on the back of the reamortized note or assumption agreement. The County Supervisor will appropriately change his records to reflect the amount of the new annual installment on the copy of the note or assumption agreement, and will notify the borrower of the change. A new direct loan note or assumption agreement will not be obtained, and no change will be made in the existing note or assumption agreement.

(4) For an insured loan, the Director of the Finance Office may sell the new note in the same manner as other notes owned by the fund. The original of the note being reamortized will be attached to the Finance Office copy of the new note and will be retained by the FHA until the account is paid in full or is otherwise liquidated.

§ 1861.10 Servicing of interest credits for Section 502 RH borrowers.

(a) *Purpose.* This section outlines the policies and conditions under which interest credits will be allowed on section 502 rural housing (RH) loans.

(b) *Definitions.* As used in this section:

(1) "Borrower" means an RH borrower who has a low or moderate income and is indebted for a section 502 insured loan that was approved on or after August 1, 1968.

(2) "Interest Credit Agreement" means an agreement between Farmers Home Administration (FHA), and the borrower executed on Form FHA 444–6, "Interest Credit Agreement (Section 502 RH Loans)," which provides for interest credits on his loan.

(3) "Review period" means only the months of November and December.

(4) "Substantial change" means a change in a borrower's circumstances that warrants a review of his situation during the next review period. Such a change occurs when—

(i) Either his current family income has been significantly reduced by causes such as death, physical or mental impairment, or loss of employment; or, his family size has increased; and

(ii) As a result of subdivision (i) of this subparagraph, the annual interest credit to which he would be entitled has been increased by at least $100. "Substantial change" does not apply to circumstances that warrant cancellation of an agreement in accordance with paragraph (d) (1) of this section.

(c) *Determination of interest credits for existing loans.* (1) Review of outstanding interest credit agreements expiring December 31 of the current calendar year. For a borrower in this category a new interest credit agreement may be executed during the review period provided the following conditions can be met:

(i) The borrower meets the eligibility requirements outlined in § 1822.7(n) (1) of this chapter.

(ii) Current and accurate information is obtained about the borrower's family income and net worth.

(a) Complete either the front page of Form FHA 431–3, "Family Budget," or items 1–4 and 15–18 of Form FHA 410–4, "Application for Rural Housing Loans (Non Farm Tract)," as appropriate.

(b) The County Supervisor will take whatever steps he considers necessary to verify the information obtained on Form FHA 431–3.

(iii) None of the conditions outlined in paragraph (d) (1) of this section exist.

(2) Substantial change or subsequent loan during first year of interest credit agreement. For a borrower who has experienced a substantial change or a borrower who has an initial loan interest credit agreement which will expire December 31 of the succeeding calendar year and a subsequent loan not now subject to an interest credit agreement, a new agreement may, at his request, be executed during the review period in accordance with the conditions outlined in paragraph (c) (1) of this section. The old agreement will be canceled as of December 31 of the current calendar year.

(3) Execution of interest credit agreement by borrowers who do not now have such an agreement. For a borrower who does not now have an interest credit agreement because he was ineligible at the time of receiving his initial loan or because his agreement was canceled but who is now eligible because of a substantial change, a new agreement may, at his request, be executed during the review period in accordance with the conditions outlined in paragraph (c) (1) of this section.

(d) *Cancellation of existing interest credit agreements.* (1) An existing interest credit agreement will be canceled whenever the borrower ceases to occupy the housing; liquidation action is initiated against the borrower; or the borrower sells or conveys title to the property.

(2) The effective date of cancellation will be the last day of the month in which the action occurs which causes the cancellation.

(3) The County Supervisor will determine the date of cancellation and notify the Finance Office. The Finance Office will credit the borrower's account with the pro rata amount of the interest credit. For example, if an agreement was canceled on June 30 for a borrower entitled to a $240 annual interest credit, the Finance Office would credit his account for 6/12's of $240 or $120.

(e) *Instruction for completing Form FHA 444–6.* (1) Form FHA 444–6 will be completed as prescribed in the guide available in all FHA offices for preparation of this form.

(2) The agreement will be effective for two installment years unless the borrower experiences a substantial change or the agreement is canceled in accordance with paragraph (d) of this section.

(3) The signed original of Form FHA 444–6 should be received by the Finance Office not later than December 31 of the current calendar year.

Dated: November 23, 1971.

JAMES V. SMITH,
Administrator,
Farmers Home Administration.

[FR Doc.71–17430 Filed 11–29–71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71–154]

STABILIZED METHYLACETYLENE-PROPADIENE ON BOARD VESSELS

Transportation and Storage

The Coast Guard is considering amending Title 46 of the Code of Fed-

eral Regulations to provide specific requirements for the carriage of stabilized methylacetylene-propadiene, a flammable compressed gas, on board vessels. This proposal also authorizes the carriage of stabilized methlacetylene-propadiene in portable tanks and motor vehicle tank trucks, in addition to cylinders and tank cars.

This proposal reflects the amendment of Parts 172, 173, 176, 178, and 179 of Title 49 of the Code of Federal Regulations by the Hazardous Materials Regulations Board on May 25, 1971. That amendment [Docket No. HM-17; Amendments Nos. 172-9, 173-47, 176-4, 178-18, 179-6] appears on page 10731 of Volume 36 of the Federal Regulations on Wednesday, June 2, 1971.

The Board's regulations apply to shippers by air, land, and water, and carriers by air and land. If adopted, this proposal will apply to carriers by water.

Interested persons are invited to submit written data, views, or comments regarding the proposal to the U.S. Coast Guard (MHM), 400 Seventh Street SW., Washington, DC 20590. Communications should identify the notice number (CGFR 71-154), any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on January 18, 1972 in Conference Room 8332, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before January 25, 1972, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examinations in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

In consideration of the foregoing, it is proposed that Part 146 of Title 46 of the Code of Federal Regulations be amended as follows:

1. In § 146.04-5 List of explosives and other dangerous articles and combustible liquids, by striking out "Methylacetylene-15 to 20 percent propadiene mixture" and inserting "Methylacetylene-propadiene, stabilized (containing at least 32 percent stabilizing diluents)" in place thereof.

2. In column 1 of § 146.24-100 Table G—Classification: Compressed gases, by striking out "Methylacetylene-15 to 20 percent propadiene mixture." and inserting "Methylacetylene-propadiene, stabilized (*containing at least 32 percent stabilizing diluents.*)" in place thereof.

3. In column 4, "Cargo vessel," of § 146.24-100 Table G—Classification: Compressed Gases for the entire "Methylacetylene- propadiene, stabilized (containing at least 32 percent stabilizing diluents.)" by striking out the words "Tank cars complying with DOT regulations (trailerships only)" and inserting in place thereof:

Portable tanks (DOT-51) not over 20,000 pounds gross weight.
Motor vehicle tank trucks complying with DOT regulations (Trailerships and trainships only).

(RS. 4472, as amended; sec. 1, 19 Stat. 252, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b))

Dated: November 22, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc.71-17420 Filed 11-29-71;8:52 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WE-49]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airways Nos. 6S, 109, 244 and 334, and revoke a segment of VOR Federal airway No. 6.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Revoke V-6 segment from Half Moon Bay, Calif., intersection to Oakland, Calif.

2. Realign V-6 south alternate segment from Oakland, Calif., to Sacramento, Calif., via the intersection of Oakland 077°T (060°M) and Sacramento 194°T (177°M) radials.

3. Realign V-109 and V-244 segments from Oakland to Stockton, Calif., via the intersection of the Oakland 077°T (060°M) and Stockton 267°T (250°M) radials.

4. Realign V-334 segment from San Jose, Calif., to Sacramento via the intersection of San Jose 022°T (005°M) and Sacramento 194°T (177°M) radials.

The realignment of V-334 will eliminate the Mocho Intersection; reduce chart clutter in the area of the Sunol Intersection, and would provide a more direct route between San Jose, Calif., and Sacramento, Calif. The realignment of V-6S, V-109, and V-244 segments will facilitate the junction of these airway segments with the proposed realignment of V-334. The revocation of V-6 segment between Half Moon Bay Intersection and Oakland VORTAC is proposed as this airway segment is no longer required for air traffic control purposes.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-17401 Filed 11-29-71;8:47 am]

[14 CFR Part 73]

[Airspace Docket No. 71-SW-56]

TEMPORARY RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a temporary joint-use restricted area near Killeen, Tex.

Interested persons are invited to participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The Air Force has requested the establishment of a temporary joint-use restricted area in the vicinity of Killeen, Tex. The proposed restricted area would be utilized for a 6-day period beginning

March 26, 1972, for the Joint Training Exercise Gallant Hand 72. The restricted airspace is required to effectively test the tactical control squadrons under the most realistic conditions.

If these actions are taken, the temporary restricted area will be designated as follows:

KILLEEN, TEX.

Boundaries beginning at lat. 31°05'00" N., long. 97°33'00" W.; to lat. 31°14'00" N., long. 97°33'00" W.; to lat. 32°00'00" N., long. 97°50'00" W.; to lat. 32°10'00" N., long. 98°02'00" W.; to lat. 32°10'00" N., long. 99°30'00" W.; to lat. 31°20'00" N., long. 99°55'00" W.; to lat. 30°44'00" N., long. 98°02'00" W.; to lat. 30°50'00" N., long. 97°44'00" W.; to point of beginning, excluding that airspace within a 3-nautical-mile radius of lat. 31°11'00" N., long. 99°19'27" W., from surface to 2,500 feet above the surface.

Designated altitudes: Surface to 35,000 feet MSL

Time of designation: Continuous from 0001 c.s.t. March 26, 1972, to 2359 c.s.t. March 31, 1972

Controlling agency: Federal Aviation Administration, Houston ARTC Center

Using agency: U.S. Air Force, Strike Command (USAFSTRIKE), Langley AFB, Va.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 22, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-17402 Filed 11-29-71;8:47 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71-21; Notice 1]

LAMPS, REFLECTIVE DEVICES, AND ASSOCIATED EQUIPMENT

Notice of Proposed Rule Making

The purpose of this Notice is to propose an amendment to Motor Vehicle Safety Standard No. 108, *Lamps, Reflective Devices, and Associated Equipment,* that would modify the method by which conformance of certain lamps to photometric requirements is determined.

Standard No. 108 (published October 31, 1970, 35 F.R. 16840, as amended on February 3, 1971, 36 F.R. 1896; May 19, 1971, 36 F.R. 9069 and August 28, 1971, 36 F.R. 17343), effective January 1, 1972, requires that lamps be designed to conform to certain referenced SAE standards. These standards include the requirement that taillamps, parking lamps, clearance lamps, side-marker lamps, identification lamps, turn-signal lamps, and stoplamps meet minimum photometric candlepower requirements at up to 27 individual test points. If a lamp fails to meet the minimum requirement at any test point, the lamp does not conform to Standard No. 108 even though it may exceed the specified minimum at all other test points.

It appears that this requirement is unnecessarily severe, since such deviances at single test points are generally not discernible to the human eye. Therefore, this agency is proposing a modification of the method of determining photometric conformance of taillamps, parking lamps, clearance lamps, side-marker lamps, identification lamps, turn-signal lamps, and stoplamps. The evidence available to date indicates that the proposal will not have a significant effect on motor vehicle safety. It is designed to set up a more realistic and cost-effective method of determining compliance with photometric requirements.

The proposed method would set up seven groups of test points, each group containing from three to five test points. The candlepower requirement for each group would be the sum of the minimums specified for the individual test points in that group. If this concept were adopted in Standard No. 108, there would be no violation of the standard when a specified minimum was not reached for one or more test points within a group, as long as the sum of the candlepower measured at all test points within that group equaled or exceeded the sum of the minimums required for those test points. However, if the candlepower at any test point fell below 60 percent of the specified minimum there would be a failure to meet Standard No. 108 even if the sum of the candlepower measured at the remaining test points within that group equaled or exceeded the sum of the required minimums. Lamps would continue to be tested using standard bulbs operated at their mean spherical candlepower.

The NHTSA is also proposing—

(a) That minimum candlepower requirements be identical for taillamps, parking lamps, side-marker lamps, clearance lamps, and identification lamps;

(b) That there be minimum candlepower requirements for taillamps, stoplamps, and turn-signal lamps, measured at a 45-degree angle where any SAE standard incorporated by reference requires visibility of the lamp at a 45-degree angle; and

(c) That both red and yellow (amber) rear-turn-signal lamps have the same maximum candlepower limitation.

In consideration of the foregoing, it is proposed that 49 CFR 571.21, Motor Vehicle Safety Standard No. 108, be amended by deleting paragraph S4.1.1.11 on parking lamp photometrics and substituting a new paragraph S4.1.1.11 in lieu thereof:

S4.1.1.11 Each taillamp, parking lamp, clearance lamp, side-marker lamp, identification lamp, turn-signal lamp, and stoplamp shall meet the following photometric requirements when tested according to the procedures of the SAE standards referenced in Tables I and III, as applicable:

(a) Within each of the groups described below, the sum of the measured candlepower values at the test points of each lamp shall equal or exceed the sum of the minimum candlepower values for those test points specified in Figure 1 (taillamps, parking lamps, clearance lamps, side-marker lamps, and identification lamps) or in Figure 2 (turn-signal lamps and stoplamps).

Group 1—H–V, H–5L, H–5R, 5U–V, 5D–V
Group 2—5L–5U, 5L–5D, 10L–H
Group 3—5R–5U, 5R–5D, 10R–H
Group 4—10U–V, 5U–10L, 5U–10R
Group 5—10D–V, 5D–10L, 5D–10R
Group 6—20L–5U, 20L–H, 20L–5D, 10L–10U, 10L–10D
Group 7—20R–5U, 20R–H, 20R–5D, 10R–10U, 10R–10D

(b) The measured candlepower at each test point shall be not less than 60 percent of the minimum specified in Figure 1 or Figure 2, as applicable.

(c) No lamp shall exceed the maximum candlepower values in Figure 1 or Figure 2, as applicable, at any test point.

Test points, degrees		Lighted compartments (single, double, and triple compartment lamps)					
		Red			Yellow (amber) (White—parking lamps only)		
		Single	Double	Triple	Single	Double	Triple
10U and 10D	10L	0.3	0.5	0.7	0.6	1.0	1.4
	V	.5	1.0	1.5	1.0	2.0	3.0
	10R	.3	.5	.7	.6	1.0	1.4
5U and 5D	45L	.25	.4	.6	.5	.8	1.2
	20L	.3	.5	.7	.6	1.0	1.4
	10L	.8	1.3	2.0	1.6	2.6	4.0
	5L	1.3	2.0	3.0	2.6	4.0	6.0
	V	1.8	3.0	4.5	3.6	6.0	9.0
	5R	1.3	2.0	3.0	2.6	4.0	6.0
	10R	.8	1.3	2.0	1.6	2.6	4.0
	20R	.3	.5	.7	.6	1.0	1.4
	45R	.25	.4	.6	.5	.8	1.2
H	45L	.25	.4	.6	.5	.8	1.2
	20L	.4	.7	1.0	.8	1.4	2.0
	10L	.8	1.3	2.0	1.6	2.6	4.0
	5L	2.0	3.5	5.0	4.0	7.0	10.0
	V	2.0	3.5	5.0	4.0	7.0	10.0
	5R	2.0	3.5	5.0	4.0	7.0	10.0
	10R	.8	1.3	2.0	1.6	2.6	4.0
	20R	.4	.7	1.0	.8	1.4	2.0
	45R	.25	.4	.6	.5	.8	1.2
Maximum		15	20	25	----------	None	----------

H=horizontal, V=vertical, U=up, D=down, L=left, R=right

FIGURE 1—Minimum candlepower requirements—Tail, parking, clearance, side marker, and identification lamps

Test points, degrees		Lighted compartments (single, double, and triple compartment lamps)					
		Red			Yellow (amber) (turn signal lamps only)		
		Single	Double	Triple	Single	Double	Triple
10U and 10D	10L	10	12	15	25	30	35
	V	25	30	35	60	75	90
	10R	10	12	15	25	30	35
5U and 5D	45L	5	6	7	10	12	15
	20L	10	12	15	25	30	35
	10L	30	35	40	75	88	100
	5L	50	60	70	125	150	175
	V	70	82	95	175	205	235
	5R	50	60	70	125	150	175
	10R	30	35	40	75	88	100
	20R	10	12	15	25	30	35
	45R	5	6	7	10	12	15
H	45L	5	6	7	10	12	15
	20L	15	18	20	35	45	50
	10L	40	47	55	100	120	140
	5L	80	95	110	200	240	275
	V	80	95	110	200	240	275
	5R	80	95	110	200	240	275
	10R	40	47	55	100	120	140
	20R	15	18	20	35	45	50
	45R	5	6	7	10	12	15
Maximum—rear lamps only		300	360	420	300	360	420

H=horizontal, V=vertical, U=up, D=down, L=left, R=right.

FIGURE 2—Minimum candlepower requirements—turn signal and stop lamps

Interested persons are invited to submit data, views, and arguments concerning the proposed amendment. Comments should identify the docket number, and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, DC 20590. It is requested, but not required, that 10 copies be submitted.

All comments received before the close of business on December 30, 1971, will be considered and will be available for examination both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. Relevant material will continue to be filed, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: September 1, 1972.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on November 23, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71-17343 Filed 11-29-71;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 50]

[Docket No. RM-50-1]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Acceptance Criteria for Emergency Core Cooling Systems for Light-Water-Cooled Nuclear Power Reactors

On June 29, 1971, the Atomic Energy Commission published a notice in the FEDERAL REGISTER of an immediately effective interim statement of policy establishing interim acceptance criteria for emergency core cooling systems for light-water-cooled nuclear power reactors (36 F.R. 12247). These criteria, which were adopted following a review by the AEC regulatory staff and the Advisory Committee on Reactor Safeguards, were designed to assure that the margins of safety considered desirable by the AEC for the performance of emergency core cooling systems in light-water nuclear powerplants are maintained. The notice requested that comments or suggestions from interested persons in connection with the interim policy statement, which was set out in the notice together with a statement of relevant considerations, be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of the notice. The notice additionally stated that the Commission will consider holding a public rule making hearing on this interim policy statement.

Notice is hereby given that a public rule making hearing in this proceeding will be held on January 27, 1972, at 10 a.m., in the auditorium of the Atomic Energy Commission located in Germantown, Md. The hearing board will consist of Nathaniel H. Goodrich, Esq., presiding, Dr. Lawrence R. Quarles, and Dr. John H. Buck. Subject to the other provisions of this notice, the hearing will be conducted as a legislative-type rule making hearing for the purpose of aiding the Commission in its determination as to whether or not the subject interim policy statement should be retained in its present form or adopted in some other form. Additional evaluation models are now under review. When such models have been accepted by the AEC, appropriate notice will be published in the FEDERAL REGISTER.

Notice is also hereby given that a prehearing conference will be conducted by the presiding officer named above on January 18, 1972, at 10 a.m., at the above location. The purpose of the prehearing conference will be to rule on requests to become a participant and requests to make a limited appearance in the proceeding and to take other actions as may be appropriate for the conduct of the hearing. In addition, a hearing schedule shall be established. If appropriate, a prehearing order will be issued by the presiding officer to govern the conduct of the hearing.

Any person who wishes to become a participant in the proceeding must file with the Secretary of the Commission, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER, an original and 10 conformed copies of a request to become a participant. The request must set forth: (1) His technical or other qualifications to make a contribution to the hearing; (2) his position with regard to the proposed amendments; and (3) a description of the matters he seeks to present or elicit at the hearing. A person admitted by the presiding officer as a participant will be permitted to present oral and documentary evidence on matters relevant to the subject policy statement and to question other participants in the proceeding. Participants may, but need not be, represented by counsel. The Commission's regulatory staff will also participate in the proceeding to explain the considerations underlying the subject policy statement and to answer questions by participants, as appropriate.

Any person who wishes to make an oral or written statement at the rule making hearing, but does not desire to become a participant as specified hereinabove, may request permission to make a limited appearance. Such an appearance will be permitted in the discretion of the presiding officer. Persons desiring to

make a limited appearance are requested to inform the Secretary of the Commission not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance may state his position on the subject policy statement and submit questions to the presiding officer which he would like to have answered to the extent that the questions are relevant to the policy statement.

Since the hearing will be part of a rule making, rather than an adjudicatory, proceeding, the provisions of Subpart G, "Rules of General Applicability", of 10 CFR Part 2, the Commission's "Rules of Practice", are not applicable. Accordingly, those sections of Part 2 dealing, inter alia, with "Depositions and Written Interrogatories: Discovery; Admissions; Evidence" and "Hearings" are not applicable to this proceeding. The hearing will be conducted as expeditiously as practicable, consistent with affording participants and those making limited appearances a reasonable opportunity to present their positions, as determined by the presiding officer. A transcript of the hearing will be made, and a copy of the transcript, together with copies of all documents presented at the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., where they will be available for inspection by members of the public.

After the conclusion of the hearing, the presiding officer, without rendering any decision or making any recommendation, will forward the transcript of the hearing to the Commission. The Commission will carefully consider the transcript of the hearing and comments and suggestions submitted in accordance with the first paragraph of this notice, as well as other relevant considerations and factors, and, after reaching its determination in the rule making proceeding, will cause an appropriate notice to be published in the FEDERAL REGISTER.

The Commission considers that the rule making hearing described herein will provide an increased opportunity for public participation in this proceeding, and is hopeful that such participation will be helpful to the Commission in its formulation of further decisions in the proceeding. The conduct of this hearing and the procedures described herein are directed at the particular criteria under consideration.

Dated at Bethesda, Md., this 26th day of November 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-17562 Filed 11-29-71;10:34 am]

[10 CFR Part 50]

[Docket No. RM-50-2]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Effluents From Light-Water-Cooled Nuclear Power Reactors

The Atomic Energy Commission published a notice in the FEDERAL REGISTER on June 9, 1971 (36 F.R. 11113) that it has under consideration amendments to its regulation, 10 CFR Part 50, "Licensing of Production and Utilization Facilities", which would supplement the regulation with a new Appendix I to that part to provide numerical guides for design objectives and technical specification requirements for limiting conditions for operation of light-water-cooled nuclear power reactors to keep radioactivity in effluents as low as practicable. The notice requested that comments or suggestions in connection with the proposed amendments, which were set out in the notice together with a statement of relevant considerations, be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of the notice.

Notice is hereby given that a public rule making hearing in this proceeding will be held on January 20, 1972, at 10 a.m., in the Auditorium of the Atomic Energy Commission located in Germantown, Md. The hearing board will consist of Algie A. Wells, Esq., presiding, Dr. Walter H. Jordan, and Dr. John C. Geyer. Subject to the other provisions of this notice, the hearing will be conducted as a legislative-type rule making hearing for the purpose of aiding the Commission in its determination as to whether or not the amendments should be adopted as proposed, or adopted in some other form.

Notice is hereby given that a prehearing conference will be conducted by the presiding officer named above on January 10, 1972, at 10 a.m., at the above location. The purpose of the prehearing conference will be to rule on requests to become a participant and requests to make a limited appearance in the proceeding and to take other action as may be appropriate for the conduct of the hearing. In addition, a hearing schedule shall be established. If appropriate, a prehearing order will be issued by the presiding officer to govern the conduct of the hearing.

Any person who wishes to become a participant in the proceeding must file with the Secretary of the Commission, not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER, an original and 10 conformed copies of a request to become a participant. The request must set forth (1) his technical or other qualifications to make a contribution to the hearing, (2) his position with regard to the proposed amendments, and (3) a description of the matters he seeks to present or elicit at the hearing. A person admitted by the presiding officer as a participant will be permitted to present oral and documentary evidence on matters relevant to the proposed amendments and to question other participants in the proceeding. Participants may, but need not be, represented by counsel. The Commission's regulatory staff will also participate in the proceeding to explain the considerations underlying the proposed amendments and to answer questions by participants, as appropriate.

Any person who wishes to make an oral or written statement at the rule making hearing, but does not desire to become a participant as specified hereinabove, may request permission to make a limited appearance. Such an appearance will be permitted in the discretion of the presiding officer. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. A person permitted to make a limited appearance may state his position on the proposed amendment and submit questions to the presiding officer which he would like to have answered to the extent that the questions are relevant to the proposed amendments.

Since the hearing will be part of a rule making, rather than an adjudicatory, proceeding, the provisions of Subpart G, "Rules of General Applicability", of 10 CFR Part 2, the Commission's "Rules of Practice", are not applicable. Accordingly, those sections of Part 2 dealing, inter alia, with "Depositions and Written Interrogatories; Discovery; Admissions; Evidence" and "Hearings" are not applicable in this proceeding. The hearing will be conducted as expeditiously as practicable, consistent with affording participants and those making limited appearances a reasonable opportunity to present their positions, as determined by the presiding officer. A transcript of the hearing will be made, and a copy of the transcript, together with copies of all documents presented at the hearing, will be placed in the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, where they will be available for inspection by members of the public.

After the conclusion of the hearing, the presiding officer, without rendering any decision or making any recommendation, will forward the transcript of the hearing to the Commission. The Commission will carefully consider the transcript of the hearing and the comments and suggestions submitted in accordance with the first paragraph of this notice, as well as other relevant consideration and factors, and, after reaching its determination in the rule making proceeding, will cause an appropriate notice to be published in the FEDERAL REGISTER.

The Commission considers that the rule making hearing described herein will provide an increased opportunity for public participation in this proceeding, and is hopeful that such participation will be helpful to the Commission in its formulation of further decisions in the proceeding. The conduct of this hearing and the procedures described herein are directed at the particular amendments under consideration.

Dated at Bethesda, Md., this 26th day of November 1971.

For the Atomic Energy Commission.

W. B. McCOOL,
Secretary of the Commission.

[FR Doc.71-17563 Filed 11-29-71;10:39 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 700]

DEFINITIONS

Notice of Proposed Rule Making

On page 14149 of the FEDERAL REGISTER of July 30, 1971, there was published a proposed revision of certain definitions as used in 12 CFR Part 700.

After consideration of all such relevant matter as was presented by interested persons, further revisions are hereby proposed as set forth below pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed revision to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than January 3, 1972.

HERMAN NICKERSON, Jr.,
Administrator.

NOVEMBER 23, 1971.

§ 2700.1 Definitions.

As used in this chapter:

(a) "Act" means the Federal Credit Union Act (73 Stat. 628, 84 Stat. 944, 12 U.S.C. 1751–1790).

(b) "Administration" means the National Credit Union Administration.

(c) "Administrator" means the Administrator of the National Credit Union Administration.

(d) "Credit Union" means a credit union chartered under the Federal Credit Union Act or, as the context permits, under the laws of any State.

(e) "Regional Director" means the representative of the Administration in the designated geographical area in which the office of the Federal credit union is located.

(f) "Regional Office" means the office of the Administration located in the designated geographical area in which the office of the Federal credit union is located.

(g) "State" means a State of the United States, the District of Columbia, any of the several Territories and possessions of the United States, the Panama Canal Zone, and the Commonwealth of Puerto Rico.

(h) Pursuant to section 101(4) of the Federal Credit Union Act, the term "low income members" shall include (1) those members whose annual income falls at or below the lower level Standard of Living classification as established by the Bureau of Labor Statistics, U.S. Department of Labor, (2) those members who are residents of a public housing project who qualify for such residency because of low income, and (3) members who qualify as recipients in a community action program.

(i) As used in section 101(4) of the Federal Credit Union Act, the term "predominantly" is defined as a simple majority.

[FR Doc.71-17403 Filed 11-29-71;8:49 am]

Notices

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[DOD Directive 5154.4[1]]

DEPARTMENT OF DEFENSE EXPLOSIVES SAFETY BOARD

Functions and Responsibilities

OCTOBER 23, 1971.

The Deputy Secretary of Defense approved the following:

Refs.: (a) DOD Directive 5154.4, "The Armed Services Explosives Safety Board," July 25, 1963 (hereby canceled).

(b) DOD Instruction 4145.24, "Determination of Ammunition and Explosives Characteristics Which Influence Handling, Storage and Transportation," February 27, 1967 (hereby canceled).

(c) DOD Instruction 4145.27, "DOD Ammunition and Explosives Safety Standards," March 10, 1969 (hereby canceled).

(d) OASD(I&L) Memorandum, "Ammunition Facilities-Military Construction Program," May 1, 1967 (hereby canceled).

I. *Purpose.* Pursuant to the authority vested in the Secretary of Defense and in accordance with Title 10, United States Code, section 172, this Directive establishes the Department of Defense Explosives Safety Board (DDESB) as a joint activity of the Department of Defense subject to the direction, authority and control of the Secretary of Defense. Its composition, functions and responsibilities, authority, relationships and administration will be as prescribed below.

II. *Cancellations.* References (a), (b), (c), and (d) are hereby superseded and canceled.

III. *Applicability.* The provisions of this Directive apply to the Military Departments and Defense Agencies, hereinafter referred to as the DOD Components, worldwide and cover facilities under United States jurisdiction located within the United States and overseas wherever ammunition and explosives are manufactured, tested, handled, developed, reworked, transported, stored or disposed of while under the custody of the DOD.

IV. *Definitions*—A. Ammunition and explosives: 1. Include, but are not necessarily limited to, all items of ammunition; chemical propellants, liquid and solid; high and low explosives; guided missiles; warheads; devices; signals; components thereof, including chemical agent fillers (and biological agent fillers until disposal of these items is completed); and substances associated therewith presenting real or potential hazards to life and property.

2. Do not encompass wholly inert items, liquid fuels or nuclear bombs, warheads, devices, and radiological fillers, except in an advisory capacity for considerations concerned with blast, fire, and nonnuclear fragment hazards associated with the chemical high explosives contained therein.

B. Administrative support includes budgeting, funding, fiscal control, manpower control and utilization, personnel administration, security administration, space, facilities, supplies and other required administrative provisions and services.

V. *Composition and Administration.* A. The Department of Defense Explosives Safety Board is composed of a Chairman and a member from each of the Military Departments.

1. The Chairman, DDESB, shall be selected and appointed by the Assistant Secretary of Defense (Installations and Logistics), or his designee, from qualified officers of rank of Colonel or Captain (Navy), or higher, nominated by the Secretaries of the Military Departments. His term will be for a period of 3 years and his effectiveness of performance will be evaluated by the Assistant Secretary of Defense (Installations and Logistics) ASD(I&L), or his designee. The office of the Chairman shall be rotated equitably among the Military Departments.

2. The Secretaries of the Military Departments shall each select and assign one qualified officer of the rank of Colonel or Captain (Navy), or higher, to serve as a member of the Board. The Secretaries shall each also assign an alternate who, in the absence of his principal, will act for the member, with plenary powers. The alternate may be a qualified civilian.

3. The Defense Agencies will designate knowledgeable individuals from their agencies who will, in addition to their normal assignments, serve as nonvoting members of the Board, at the call of the Chairman, when the business before the Board is such as to be of particular interest to their agency.

B. The DDESB shall be supported by a permanent Secretariat composed of such qualified military and civilian personnel as the Chairman, with the approval of the ASD(I&L), or his designee, shall determine are required to effectively fulfill DDESB responsibilities.

1. Military staff members shall consist of at least one individual from each Military Department, having appropriate rank and experience, and acceptable to the Chairman, DDESB. Military personnel shall be assigned to the DDESB Secretariat on a full-time basis, and during such assignment shall be responsible to the Chairman for performance of duty and efficiency ratings.

2. Civilian DDESB Secretariat personnel shall be provided by the Secretary of the Army, or his designee, and shall be responsible to the Chairman for performance of duty and performance ratings.

3. Personnel for technical Secretariat positions will be selected by the Chairman.

VI. *Functions and responsibilities.* A. Under the policy direction and program guidance of the ASD(I&L), and in consonance with other DOD policies and Directives, the DDESB shall:

1. Provide impartial and objective advice to the Secretary of Defense, the Secretaries of the Military Departments and the Directors of Defense Agencies, on ammunition and explosives manufacturing, testing, handling, reworking, disposal, transportation, storage, and siting with special attention to preventing conditions that will endanger life and property inside and outside DOD installations.

2. Recommend DOD-wide safety standards designed to prevent or correct hazardous conditions associated with ammunition and explosives to the ASD (I&L) or his designee for approval and publication (DOD 5154.4-S).

3. Establish, with the assistance of the DOD Components, joint regulations for explosives hazard classification procedures and arbitrate or otherwise resolve differences among DOD Components on the assignment of appropriate hazard classifications.

4. Maintain liaison with other Government departments, allied Governments, and industrial organizations having mutual interests or responsibilities.

5. Keep informed of DOD Components' safety problems relating to ammunition and explosives development, manufacture, testing, handling, transportation, storage, maintenance, rework, salvage, and disposal.

6. Survey, study and evaluate activities to determine compliance with ammunition and explosives safety standards and to detect conditions which could result in undue loss of life or damage to property inside and outside Department of Defense installations.

7. Review and analyze reports, data, and information from all sources in which ammunition and explosives hazards, accidents, and safety (nuclear excepted) are involved and make appropriate recommendations to proper authorities for the establishment or revision of standards and procedures.

8. Review and approve with respect to safety considerations all general site plans for construction or modification of fixed or movable ammunition and explosives facilities and sites and facilities in proximity to or affected by such ammunition and explosives facilities and sites, and give impartial and objective advice to the DOD Components involved on the safety of these facilities and sites.

[1] Filed as part of the original document.

(Facilities being constructed under combat conditions or the immediate expectations of such conditions are exempted from this requirement.) With respect to any site plans providing less than desirable safety, a certification by the Secretary or Director of the Component involved that such siting is required because of operational necessity or other impelling reason, together with adequate justification therefor, will be taken into consideration.

9. Prepare such programs of investigation, research, study and tests, concerning ammunition and explosives hazards as are required to develop and maintain safety standards and execute such portions of these programs as are approved by the Office of the Secretary of Defense.

10. Perform such other duties as may be assigned by the ASD(I&L) or his designee.

B. The Secretaries of the Military Departments and Directors of the Defense Agencies, or their designees, shall:

1. Provide the DDESB with information and support necessary to discharge its assigned responsibilities and functions.

2. Submit to the DDESB for review and approval, general site plans for construction or modification of pertinent facilities (see VI.A.8. above), outlining the type and character of the proposed construction. Such site plans will be normally submitted to the DDESB prior to submission of the project in proposed legislation for the current budget year.

3. Set interim safety standards for the manufacture, storage, and handling of ammunition and explosives pending the establishment of DOD-wide standards (see VI.A.2. above).

4. Comply with the DOD safety standards (VI.A.2. above). Inability to comply with such standards for strategic or other impelling reasons may be made the subject of a specific waiver or exemption issued by the affected DOD Component. Responsibility for such waivers or exemptions rests with the Secretary of the Military Department or Director of the Defense Agency granting such waivers or exemptions.

5. Provide qualified personnel when requested by the Chairman, DDESB, to DDESB working groups.

6. Perform such tests and evaluations as are necessary to assign hazard classifications in accordance with joint regulations (VI.A.3. above) which will include:

a. Military handling and storage hazard class and compatibility group.

b. Transportation hazard class, commodity description and markings.

NOTE: In the event of inability to comply with the provisions of paragraph 6 or the joint regulations or, in the case of unresolved differences between responsible DOD Components, complete documentation will be submitted to the DDESB for resolution.

C. The Secretary of the Army is designated as Executive Agent responsible for determining, in consultation with the Chairman, DDESB, and providing adequate administrative support for the operation of the Board and its Secretariat. This responsibility may be redelegated to the Under Secretary of the Army or to an Assistant Secretary of the Army.

VII. *Authority.* A. To discharge the functions and responsibilities assigned herein, the Chairman, DDESB, shall:

1. Preside at DDESB meetings or, in his absence, designate an appropriate member to act in his stead.

2. Determine the internal organization of the DDESB including operating procedures for the Secretariat and direct activities of the Board members and the Secretariat.

3. Establish or maintain a system which will provide the Secretary of Defense and the Secretaries of the Military Departments with current information on all matters falling within DDESB jurisdiction.

4. Exercise the power of decision, as appropriate, on any matter within DDESB jurisdiction on which other DDESB members are not unanimous. With respect to any such decision of the Chairman, any DOD Component may initiate a written appeal therefrom through proper channels to the Assistant Secretary of Defense (I&L) for review and final decision.

5. Establish and direct the activities of temporary working groups, as appropriate, to assist the DDESB.

6. Determine what coordination is required on matters referred to the DDESB.

B. The Chairman and Board members, and the Secretariat under the direction of the Chairman, are authorized and expected to exercise free and unrestricted access to, and have direct communication with all elements of DOD as well as with other Governmental, foreign, and private organizations having a mutual interest or responsibility in safety matters involving ammunition and explosives. With regard to nuclear weapons, access and communication will be in accordance with the established procedures of the Defense Nuclear Agency and the Atomic Energy Commission.

VIII. *Effective date and implementation.* This Directive is effective immediately. Three copies of the implementing documents shall be forwarded to the Assistant Secretary of Defense (Installations and Logistics) within 90 days. Where revision of previous implementing documents would be required for no other reason than that the name of the DDESB has been changed, such revisions may be delayed until such time as the document requires overall revision for other reasons.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.71-17410 Filed 11-29-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

NEZ PERCE INDIAN RESERVATION, PORTLAND, OREG.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

NOVEMBER 19, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Nez Perce Indian Reservation, Portland, was adopted on October 4, 1971, by the Nez Perce Tribal Executive Committee, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas, the Nez Perce Tribal Executive Committee has been empowered to act for and in behalf of the Nez Perce Tribe, pursuant to the Revised Constitution and Bylaws, adopted by the General Council of the Nez Perce Tribe, on May 6, 1961, and approved by the Acting Commissioner of Indian Affairs on June 27, 1961; and

Whereas, pursuant to Article VIII, section 2 of the Revised Constitution, the Executive Committee is authorized to issue and enforce regulations governing the use of tribal property and the conduct of business affairs within the Nez Perce Reservation; and

Whereas, pursuant to the Act of August 15, 1953, 67 Stat. 586 (Public Law 83-277), each Indian tribe is empowered to promulgate an ordinance or ordinances legalizing the introduction, sale and/or possession of intoxicating beverages within any area of Indian country under the jurisdiction of such tribe; and

Whereas, the Nez Perce Tribal Executive Committee, acting for and on behalf of the Nez Perce Tribe, finds it appropriate and necessary to legalize the retail sale of intoxicating beverages within the Nez Perce Reservation in connection with the Tribe's recreation development program;

Now therefore, be it enacted by the Nez Perce Tribal Executive Committee as follows:

ORDINANCE

(1) Subject to the provisions of Paragraph (2) of this Ordinance, the retail sale of intoxicating beverages is hereby authorized within the Nez Perce Reservation on those lands which are designated by the Nez Perce Tribal Executive Committee to be "recreation development areas," and the introduction and possession of intoxicating beverages within the Nez Perce Reservation in furtherance of, or in connection with; such retail sales is also authorized.

(2) The retail sale of intoxicating beverages in accordance with Paragraph (1) of

this Ordinance shall be subject to the following limitations: (a) no sale will be lawful unless and until the seller shall first have obtained a retail liquor license from the Nez Perce Tribe pursuant to such rules and regulations as the Executive Committee may promulgate; and (b) the time, manner and other conditions of sale must conform to such rules and regulations (including, tax assessed by the tribe) relating thereto as are adopted from time to time by the Executive Committee: *Provided*, That no act may be permitted by the Tribe which would violate applicable Idaho law. (3) All tribal laws, ordinances and resolutions relating to the introduction, possession and sale of intoxicating beverages within the Nez Perce Reservation are hereby amended to make lawful the acts and transactions authorized by this Ordinance.

JOHN O. CROW,
Deputy Commissioner of Indian Affairs.

[FR Doc.71-17378 Filed 11-29-71;8:48 am]

Bureau of Land Management

UTAH

Notice of Filing of Plats of Survey

1. Plats of survey of the lands described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10 a.m. on December 29, 1971:

SALT LAKE MERIDIAN

Plats of survey accepted December 3, 1970:

T. 16 S., R. 16 E.
Sec. 3, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 9, lots 1 to 4, inclusive, S½N½, S½;
Sec. 10, lots 1 to 4, inclusive, S½N½, S½.

The area described aggregates 1,869.42 acres.

2. The following lands were withdrawn for Public Water Reserve 145 on April 15, 1931.

SALT LAKE MERIDIAN

T. 16 S., R. 16 E.
Sec. 3, SW¼NW¼.

3. All of these lands were withdrawn for Oil Shale by Executive Order 5327, April 15, 1930 and PLO 4522, September 13, 1968.

4. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right.

5. Inquiries concerning these lands should be addressed to the Chief, Division of Technical Services, Utah State Office, Post Office Box 11505, Salt Lake City, UT 84111.

[SEAL] JACK M. REED,
Acting State Director.

NOVEMBER 19, 1971.

[FR Doc.71-17377 Filed 11-29-71;8:46 am]

Geological Survey

[Power Site Cancellation 282]

NORTH PLATTE RIVER, WYO.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classifications 58, 346, and 374 are hereby canceled to the extent that they affect the following described land:

SIXTH PRINCIPAL MERIDIAN

Power Site Classification 58 of March 13, 1924:

T. 12 N., R. 84 W.,
Sec. 4, SE¼NW¼ and NE¼SW¼;
Sec. 8, SW¼SW¼;
Sec. 15, NW¼NE¼.
T. 13 N., R. 84 W.,
Sec. 1, lots 2 and 3, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 12, NW¼NE¼ and SE¼NE¼;
Sec. 13, N½NW¼ and SW¼NW¼;
Sec. 14, SE¼NE¼ and E½SE¼;
Sec. 23, E½;
Sec. 26, E½W½;
Sec. 35, NE¼SW¼.

Area—1,322.80 acres.

Power Site Classification 346 of January 6, 1944:

T. 12 N., R. 81 W.,
Sec. 6, lots 2 and 3, W½NE¼, and E½W½;
Sec. 7, lots 1, 2, and 3, SE¼NE¼, W½E½, and E½W½;
Sec. 8, SW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 17, W½NE¼, SE¼NE¼, E½W½, SW¼NW¼, and W½SW¼;
Sec. 18, NE¼, E½NW¼, and N½SE¼;
Sec. 20, lots 1 and 2.
T. 12 N., R. 82 W.,
Sec. 1, lot 4, SW¼NE¼, S½NW¼, SW¼, and NE¼SE¼;
Sec. 2, lots 1 and 2, and SE¼NE¼;
Sec. 11, NE¼SE¼;
Sec. 12, N½NE¼, SE¼NE¼, NE¼NW¼, SW¼, and N½SE¼.
T. 13 N., R. 81 W.,
Sec. 4, lot 3 and S½;
Sec. 5, SE¼NE¼ and E½SE¼;
Sec. 8, NE¼;
Sec. 9;
Sec. 10, SW¼;
Sec. 15, E½W½ and W½NW¼;
Sec. 29, W½SE¼;
Sec. 31, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 32, SW¼NW¼, N½SW¼, SW¼SW¼, and N½SE¼.
T. 14 N., R. 81 W.,
Sec. 5, N½SW¼ and SW¼SW¼;
Sec. 6, lots 1, 2, and 3, SE¼NE¼, and NE¼SE¼;
Sec. 7, NW¼NE¼;
Sec. 8, NW¼, N½SW¼, and SE¼SW¼;
Sec. 16, NE¼NE¼;
Sec. 17, W½NE¼, E½NW¼, and NW¼SE¼;
Sec. 20, S½NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 28, SE¼SW¼;
Sec. 30, SW¼NE¼ and SW¼SE¼;
Sec. 32, SW¼SE¼;
Sec. 33, NE¼SW¼.

Area—6,108.37 acres.

Power Site Classification 374 of March 23, 1945:

T. 12 N., R. 82 W.,
Sec. 3, SW¼SW¼;
Sec. 4, S½SE¼;
Sec. 9, N½NE¼, SE¼NE¼, and W½SE¼;
Sec. 10, W½NE¼, E½NW¼, NW¼NW¼, N½SE¼, and SE¼SE¼;
Sec. 11, W½SW¼ and SE¼SW¼;
Sec. 12, S½SE¼;
Sec. 13, N½NW¼;
Sec. 14, SE¼NE¼, N½NW¼, and E½SE¼;
Sec. 15, SW¼NW¼ and NW¼SE¼;
Sec. 22, lots 3 and 4;
Sec. 23, lots 1 to 4, inclusive.
T. 12 N., R. 84 W.,
Sec. 9, NE¼SE¼;
Sec. 10, NW¼SW¼;
Sec. 15, lot 3 and NE¼SW¼.
T. 13 N., R. 80 W.,
Sec. 5, SW¼NW¼ and NW¼SW¼;
Sec. 6, S½NE¼ and SE¼;
Sec. 7, NE¼;
Sec. 8, W½NW¼ and SW¼;
Sec. 17, NW¼ and W½SW¼;
Sec. 18, SE¼NE¼ and E½SE¼;
Sec. 19, NE¼NE¼;
Sec. 20, N½NW¼, SE¼NW¼, and SW¼;
Sec. 28, W½SW¼, SE¼SW¼, and S½SE¼;
Sec. 29, E½E½, W½NE¼, E½NW¼, and NW¼NW¼;
Sec. 33, NE¼, S½SW¼, and W½SE¼.
T. 13 N., R. 84 W.,
Sec. 13, NW¼NE¼, SE¼NW¼, N½SW¼, and SW¼SW¼;
Sec. 24, W½W½;
Sec. 26, W½SE¼;
Sec. 35, W½NE¼, E½NW¼, and NW¼SE¼.

Area—4,299.59 acres.

The land described aggregates about 11,821 acres.

Dated: November 22, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-17365 Filed 11-29-71;8:45 am]

[Power Site Cancellation 214]

WHITETAIL CREEK, MONT.

Cancellation of Power Site

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 303 of October 11, 1937, is hereby canceled to the extent that it affects the following described land:

PRINCIPAL MERIDIAN

T. 3 N., R. 5 W.,
Sec. 25, SW¼NW¼ and SW¼.

The area described aggregates about 200 acres.

Dated: November 22, 1971.

W. A. RADLINSKI,
Acting Director.

[FR Doc.71-17366 Filed 11-29-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a change-of-purpose of loan funds requested by Tri-State Generation and Transmission Association, Inc., of Denver, Colo. This change-of-purpose of loan funds, together with funds from other sources, will provide financing for approximately seventy-seven (77) miles of 230 kV. transmission line between Beaver Creek, Colo., and Wray, Colo., a switching station at Beaver Creek and a substation addition at Wray.

Additional information may be secured on request, submitted to Mr. James N.

Myers, Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, DC, Room 4322, or at the office of Tri-State Generation and Transmission Association, Inc., 10520 Melody Drive, Northglenn, CO. Final action may be taken with respect to this matter after thirty (30) days.

Any change of purpose will be subject to, and release of funds thereunder contingent upon, REA's reaching satisfactory conclusions with respect to environmental effects and after compliance with Environmental Statement procedures required by the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 22d day of November 1971.

DAVID A. HAMIL;
Administrator, Rural Electrification Administration.

[FR Doc.71-17432 Filed 11-29-71;8:52 am]

DEPARTMENT OF COMMERCE

Maritime Administration

OFFICERS AND CREWS OF PASSENGER VESSELS

Determination of Operating-Differential Subsidy for Subsistence

In F.R. Doc. 71-9346 appearing in the FEDERAL REGISTER issue of July 1, 1971 (36 F.R. 12547) comments were invited relative to the tentative procedures formulated by the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs in connection with the determination of operating-differential subsidy for subsistence of officers and members of the crews of passenger vessels subsidized under title VI of said 1936 Act.

In view of the comments received concurring in the tentative procedures, notice is given that said procedures have been adopted without change. Copies of the procedures may be obtained from the Secretary of the Maritime Subsidy Board and the Maritime Administration.

Dated: November 23, 1971.

By order of the Maritime Subsidy Board and Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.71-17434 Filed 11-29-71;8:51 am]

Office of Import Programs

GEORGETOWN UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Comemrce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00089-33-46040. Applicant: Georgetown University, School of Medicine and Dentistry, 3900 Reservoir Road NW., Washington, DC 20007. Article: Electron microscope, EM 801. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article is intended to be used in studies of materials of a diverse biological nature; mainly mammalian tissue from human biopsy and tissue from a variety of experimental animals. Several of the studies include experiments on (1) fine structure of various endocrine organs in situ and in vitro and the effects of various physiological mediators and pharmacological agents upon cytological organelles and inclusions, (2) development of mammalian blastocysts particularly to determine how large molecules enter the blastocoel, (3) determining the morphology of uterine tube epithelium in rats to characterize the ciliated and secretory cells, and (4) the localization of lysosomal enzymes within odontoclasts of canine resorbing teeth and alveolar bone. The article will also be used in teaching a course entitled "Biomedical Techniques-Essentials of Electron Microscopy" to graduate students. Application received by Commissioner of Customs: August 13, 1971.

Docket No. 72-00090-55-17500. Applicant: University of Washington, Department of Oceanology, Seattle, Wash. 98195. Article: Recording current meter, Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to monitor current speed and direction, and water temperature during deployment of the current meter in the 2,600-meter-deep Greenland-Spitsbergen passage. Application received by Commissioner of Customs: August 13, 1971.

Docket No. 72-00091-33-46500. Applicant: Emory University, Department of Anatomy, Atlanta, Ga. 30322. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used in experiments which include: (1) Studies on the ultrastructural development of cardiac tissue in normal fetal and adult animals with hereditary or experimentally produced cardiomyopathy and heart failure; (2) experiments on variations in protein synthesis in normal and myopathic heart cells; and (3) structural changes in the inner membranes of mitochondria isolated from normal and diseased hearts. The article will also be used in teaching preparative techniques for electron microscopy to advanced graduate students. Application received by Commissioner of Customs: August 13, 1971.

Docket No. 72-00092-33-46070. Applicant: The University of Iowa, Iowa City, Iowa 52240. Article: Scanning electron microscope, Model S4. Manufacturer: Cambridge Scientific Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used by several different departments representing a broad spectrum of biological and medical research. Several studies cited are, (1) spatial aspects of vitellogenesis during cogenesis on both marine and fresh water organisms, (2) delineate the normal morphology on various joint surfaces in animals and humans. (3) morphological changes of microvilli of the choroid plexus as related to cerebral spinal fluid secretion and aging, (4) morphological changes that may be produced in enamel and dentin by the use of various topical fluorides, (5) determination of active corrosion sites on metallic surfaces, (6) research in the study of conodonts, (7) detailed study of the micro- and megaspores contained in an unusually complete petrified lepidodendron cone. The article will also be used in teaching scanning electron microscopy in biological and medical research to graduate students. Application received by Commissioner of Customs, August 13, 1971.

Docket No. 72-00094-33-54500. Applicant: University of Michigan, Department of Ophthalmology, Ann Arbor, Mich. 58104. Article: Tubinger perimeter. Manufacturer: Oculus Co., West Germany. Intended use of article: The article is intended to be used to determine characteristics of patients' static visual field. Application received by Commissioner of Customs: August 13, 1971.

Docket No. 72-00095-55-46040. Applicant: Woods Hole Oceanographic Institution, Water Street, Woods Hole, Mass. 02543. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is intended to be used to find and identify micro- to ultramicro-suspended particles in oceanic systems. In addition the article will be used to train graduate students in electron microscopy for courses in physiology and embryology. Application received by Commissioner of Customs: August 13, 1971.

Docket No. 72-00096-33-46040. Applicant: Washington University, School of Medicine, 660 South Euclid, St. Louis, MO 63110. Article: Electron microscope, Model EM 300. Manufacturer: Philips

Electronic Instruments, the Netherlands. Intended use of article: The article is intended to be used to study the effects of a variety of experimental agents on cultured nervous tissue from various parts of the central peripheral nervous system; study the myelin sheath of the central and peripheral nervous systems; and aid in the analysis of the fine structure of the nervous system. Application received by Commissioner of Customs: August 13, 1971.

Docket No. 72-00097-33-03400. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Auditory training units, Suvag I and Suvag II. Manufacturer: Societe Sedi, France. Intended use of article: The article is intended to be used to habilitate and rehalibitate deaf children and adults. Application received by Commissioner of Customs: August 18, 1971.

Docket No. 72-00098-33-40700. Applicant: Washington University School of Medicine, Mallinckrodt Institute of Radiology, 510 South Kingshighway, St. Louis, MO 63110. Article: Irradiation unit. Manufacturer: Atomic Energy of Canada Ltd., Canada. Intended use of article: The article will be used to study the effects of anticancer agents as well as radiation on normal and regenerating hematopoietic stem cells and the effects of various perturbations, such as administration of malignant cells upon the rate of repopulation. The article will also be used to irradiate tissue culture cells in both monolayer and suspension cultures. Further, mice bearing tumors will receive radiation from this machine for experiments to devise better therapy schedules for tumor cure. Application received by Commissioner of Customs: August 18, 1971.

Docket No. 72-00099-65-46070. Applicant: State University of New York, Stony Brook, N.Y. 11790. Article: Scanning electron microscope, Mark IIA. Manufacturer: Cambridge Scientific Instruments, United Kingdom. Intended use of article: The article will be used for research in: (1) Effect of surface upon mechanical behavior of materials; (2) fracture of engineering materials; (3) structure of reinforced fiber composites; (4) protective coatings for high temperature materials; (5) structure of solid surfaces; (6) corrosion of materials in marine and biological environments; (7) effect of surface coatings upon atomic defect generation and annihilation; and (8) methods of fabrication of field effect (FET) metal-oxide semiconductor transistors (MOS) and various solid-state devices. The article will also be used in teaching several courses in materials and electrical sciences to graduate students. Application received by Commissioner of Customs: August 18, 1971.

Docket No. 72-00100-65-46040. Applicant: Lehigh University, Bethlehem, Pa. 18015. Article: Electron microscope, EM 300 and accessories. Manufacturer: Philips Electronic Instruments, the Netherlands. Intended use of article: The article is to be used to investigate the ultrastructure of biological specimens and the fine structure of metals, minerals, and polymers. The crystallography of various phases and imperfections of the metals, minerals, and polymers will also be examined. The article will also be used to train students in courses of electron microscopy and electron metallography. Application received by Commissioner of Customs: August 18, 1971.

Docket No. 72-00101-33-46500. Applicant: University of California, School of Medicine, La Jolla, Calif. 92037. Article: Ultramicrotome, LKB 8800A. Manufacturer. LKB Produkter A.B., Sweden. Intended use of article: The article will be used in research directed at the study of the process by which the cerebral spinal fluid and materials within the cerebral spinal fluid are absorbed from around the brain back into the vascular system through the arachnoid villi. Application received by Commissioner of Customs: August 18, 1971.

Docket No. 72-00102-33-46040. Applicant: Bowman Gray School of Medicine, Department of Microbiology, Winston-facturer: LKB Produkter A.B., Sweden. Salem, N.C. 27103. Article: Electron microscope, Model EM9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in research to study the interactions of bacteria and viruses with their hosts and investigations of the ultrastructure of microorganisms, animal cells, and plant cells. The article will be used for education for courses in general microbiology and "Ultrastructure of microorganisms and mammalian cells." Application received by Commissioner of Customs: August 18, 1971.

Docket No. 72-00103-65-28200. Applicant: Georgetown University, 37th and O Streets NW., Washington, DC 20007. Article: Electron spin resonance spectrometer. Manufacturer: Japan Electron Optics Laboratory Co., Japan. Intended use of article: The article will be used in the following experiments: (1) Determination of ESR spectra of powders, single crystals, solutions and gases at different temperature; (2) flow-mixing experiments of kinetic studies; (3) ultraviolet irradiation of samples in cavity; and (4) electrolytic generation of paramagnetic species in cavity. The article will also be used in teaching courses in biochemical techniques and physical chemistry laboratory to graduate and undergraduate students. Application received by Commissioner of Customs: August 19, 1971.

Docket No. 72-00104-33-46500. Applicant: University of Miami, Post Office Box 8184, Coral Gables, FL 33124. Article: Ultramicrotome, LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used in experiments on normal hard and soft dental tissues, the ultrastructural aspects of the osteogenic cells in regards to their osteoclastic and osteoblastic actions by determined microorganisms in the oral cavity. The article will also be used in teaching investigations of ultrastructural conditions of normal and pathological hard tissues of the oral cavity in human and experimental animals. Application received by Commissioner of Customs: August 20, 1971.

Docket No. 72-00105-33-40700. Applicant: Kensington Hospital, 136 West Diamond Street, Philadelphia, PA 19122. Article: Irradiator, RW-1, one additional probe. Manufacturer: Hawker de Havilland Australia Pty. Ltd., Australia. Intended use of article: The article is intended to be used in ear operations in the mastoid region. Application received by Commissioner of Customs: August 20, 1971.

Docket No. 72-00106-50-77000. Applicant: University of Illinois, Purchasing Division, 223 Administration Building, Urbana, Ill. 61801. Article: Raindrop spectrometer. Manufacturer: Marc Weibel Dipl, Sweden. Intended use of article: The article will be used in research to obtain numbers and sizes of raindrops reaching the ground during natural rain to determine the effect on raindrop distributions brought about by the St. Louis urban area. Application received by Commission of Customs: August 23, 1971.

Docket No. 72-00107-01-77030. Applicant: Sangamon State, University, Springfield, Ill. 62037. Article: NMR Spectrometer, JNM-MH-100. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article will be used in faculty initiated research in the utilization of detergents and defergent components by algae, the synthesis and conformational analysis of alkyl and dialkyldihydroaromatics, and the acidity of weak carbon acids. The article will also be used in teaching courses in chemistry and biology. Application received by Commissioner of Customs: August 23, 1971.

Docket No. 72-00108-99-54900. Applicant: Wisconsin State University, Grand Avenue, Superior, Wis. 54880. Article: Scanning stereoscope, ODSS III. Manufacturer: N.V. Optische Industrie "De Oude Delft", the Netherlands. Intended use of article: The article is intended to be used for university level instruction in the following courses: (1) Airphoto Interpretation with special emphasis on the scientific analysis of environmental problems; (2) Environmental and Urban Planning—the effects of the urban development on the environment will also be studied; (3) Independent Study—scientific analysis of air photos. Application received by Commissioner of Customs: August 23, 1971.

Docket No. 72-00110-33-07500. Applicant: Veterans' Administration Hospital, 4801 Linwood Boulevard, Kansas City, MO 64128. Article: LKB Microcalorimeter. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in research to measure the heats of various proteins reactions such as substrate binding, and the kinetic measurements of enzyme systems. Application received by Commissioner of Customs: August 25, 1971.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.71-17437 Filed 11-29-71;8:51 am]

STATE UNIVERSITY OF NEW YORK AT STONY BROOK ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00132-33-46500. Applicant: State University of New York, School of Basic Sciences, Stony Brook, N.Y. 11790. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to reveal by ultrastructural analysis the localization of rhodopsin in the frog retinal and structural changes which occur during the shortening of horseshoe crab striated muscle. In addition the article will be used for training of students in the course "Techniques in Electron Microscopy." Application received by Commissioner of Customs: September 14, 1971.

Docket No. 72-00133-33-46040. Applicant: The University of Texas at Houston, M. D. Anderson Hospital & Tumor Institute, 6723 Bertner, Houston, TX 77025. Article: Electron Microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used to investigate fine structural morphology of normal and neoplastic human tissues in extensive studies of a wide range of human benign and malignant tumors, categorizing their fine structure and correlating the electron microscopic findings with light microscopy. The article will also be used in training graduate students, members of the professional staff, and medical technologists in the principles and techniques of electron microscopy. Application received by Commissioner of Customs: September 15, 1971.

Docket No. 72-00134-33-46040. Applicant: Temple University School of Medicine, Department of Anatomy, 3420 North Broad Street, Philadelphia, PA 19140. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, the Netherlands. Intended use of article: The article is intended to be used in the following research studies: (1) Follow substrates through synthesis and secretion in cells that make steroid hormones; (2) determine the structural organization of skeletal and cardiac muscles in normal and pathological material from man and various experimental animals; (3) determining the position of Na-K-activated ATPase by cytochemistry; (4) determining the nature of radiation damage in the parotid gland. Application received by Commissioner of Customs: September 15, 1971.

Docket No. 72-00135-00-86300. Applicant: University of Maryland, College Park, Md. 20742. Article: Low frequency sweep accessory for rheovibron. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article is an accessory for a viscoelastometer ordered from the same manufacturer. Application received by Commissioner of Customs: September 15, 1971.

Docket No. 72-00136-33-46070. Applicant: University of Wisconsin, Department of Entomology, 237 Russell Laboratories, 1630 Linden Drive, Madison, WI 53706. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Laboratory Co. Ltd., Japan. Intended use of article: The article will be used in research for the following: (1) Studies extending to and elucidating the nature of the sensory receptor cell membrane in different states of excitation; (2) recording and the observation of changes in the distribution and number of other microcomponents of the photoreceptor cell; (3) studies of the crystallite array on the exterior surface of the Manduca postretinal axon; (4) determination of glial cell organization. The article will also be used in teaching a course in principles and techniques of scanning electron microscopy. Application received by Commissioner of Customs: September 15, 1971.

Docket No. 72-00137-36-46040. Applicant: The University of Akron Institute of Polymer Science, 302 East Buchtel Avenue, Akron, OH 44304. Article: Electron microscope, Model JEM-120. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article is intended to be used for high resolution miscroscopy in research to obtain information about the molecular structure, morphology, phase separation, domain formation and crystal growth of polymers, glasses, and inorganic polymers. Application received by Commissioner of Customs: September 16, 1971.

Docket No. 72-00138-36-46040. Applicant: The University of Akron, Institute of Polymer Sciences, 302 East Buchtel Avenue, Akron, OH 44304. Article: Electron microscope, Model JEM-T8. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article is intended to be used in research to develop models for the molecular structure of polymeric films and membranes, morphology of phase separated systems, and domain formation and crystal growth. Additionally, the article will be used to train students, staff and faculty in electron microscopy. Application received by Commissioner of Customs: September 16, 1971.

Docket No. 72-00139-36-46070. Applicant: The University of Akron, Institute of Polymer Science, 302 East Buchtel Avenue, Akron, OH 44304. Article: Scanning electron microscope, Model JSM-U3. Manufacturer: Japan Electron Optics Lab. Co., Ltd., Japan. Intended use of article: The article is intended to be used in research on rubbery and glassy plastics, fabrics and resins, polymer latex samples for particle size analysis and multiphase polymers. The article is also intended to be used for teaching courses in polymers, elastomers, and other related subjects. Application received by Commissioner of Customs: September 16, 1971.

Docket No. 72-00140-65-86300. Applicant: Illinois Institute of Technology, 3300 South Federal Street, Chicago, IL 60616. Article: Viscoelastometer, Model DDV-II-B. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article will be used in education and research to measure the temperature dependence of complex modulus, dynamic storage modulus, dynamic loss modulus, and dynamic loss tangent of viscoelastic materials at specific selected frequencies of strain input. Application received by Commissioner of Customs: September 16, 1971.

Docket No. 72-00141-00-46040. Applicant: Indiana University-Purdue University at Indianapolis, 630 West New York Street, Indianapolis, IN 46202. Article: Universal camera for electron microscope. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is an accessory to an existing electron microscope. Application received by Commissioner of Customs: September 21, 1971.

Docket No. 72-00142-33-46040. Applicant: The University of Michigan, Ann Arbor, Mich. 48104. Article: Electron Microscope, Corinth 275. Manufacturer: Associated Electrical Industries, United Kingdom. Intended use of article: The article is intended to be used in research studies which involve the following: (1) High resolution studies on cytomembranes; (2) size distribution analyses of air pollution particles; and (3) studies to correlate structural-functional features of the skin. The article will also be used to train students in electron microscopy. Application received by Commissioner of Customs: September 21, 1971.

Docket No. 72-00143-33-46040. Applicant: The Ohio State University, Department of Pathology, 190 North Oval Drive, Columbus, OH 43210. Article: Electron microscope, Model HU-12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be use in the following research studies: (1) Atherosclerosis; (2) myocardial histochemistry; (3) breast carcinomas; (4) myocardial hypertropy; (5) cardiac conduction system; and (6) malignancy-associated lymphocytic

changes. The article is also intended for teaching and training of medical students, graduate students, interns, residents, and fellows as well as research personnel in the techniques and biomedical application of electron microscopy. Application received by Commissioner of Customs: September 21, 1971.

Docket No. 72-00144-33-46040. Applicant: Ortho Research Foundation, Virology Division of Diagnostics Research, Route 202, Raritan, N.J. 08869. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, N.V.D., the Netherlands. Intended use of article: The article is intended to be used as a research tool for these studies: (1) Replication of the agent(s) of hepatitis by hybridizing the hepatitis associated antigen (HAA) with known viruses complete or incomplete; (2) antigenic variants among HAA strains; (3) the role of reverse transcriptase in the understanding of oncogenesis, in hepatitis and slow viruses; and (4) surface antigens of Neisseria gonorrhoeae and the interaction of these antigens with tagged specific antibodies. Application received by Commissioner of Customs: September 21, 1971.

Docket No. 72-00145-33-46040. Applicant: Harvard University, Purchasing Department, 75 Mount Auburn Street, Cambridge, MA 02138. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electronic Instruments, N.V.D., the Netherlands. Intended use of article: The article is intended to be used in the investigation of the organization of the nervous system which involves the study of ultrathin sections of the brain and spinal cord obtained from rats and other laboratory animals. In addition the article will be used for studies of the development of the nervous system and for the training of graduate students and postdoctoral fellows preparing for a career in neurocanatomical research and teaching of medical students. Application received by Commissioner of Customs: September 21, 1971.

Docket No. 72-00172-99-26000. Applicant: Office of the Purchasing Agent, Clarksville-Montgomery County School System, Post Office Box 867, Clarksville, TN 37040. Article: Theory of electricity device. Manufacturer: Dr. Clemenz, West Germany. Intended use of article: The article will be used in classes for teaching the basic theory of electricity by having the students construct electrical apparatus. Application received by Commissioner of Customs: October 5, 1971.

Docket No. 72-00150-99-07700. Applicant: Communitel Corp., 312 East Ninth Street, New York, NY 10003. Article: Sony Videorover II (camera). Manufacturer: Sony Corp., Japan. Intended use of article: The article is intended to be used in a training and development program in the production and techniques of television which will make possible the recording and comparison of the culture and life style of several communities simultaneously as well as the development, research and simplification of video tape machines. Application received by Commissioner of Customs: September 24, 1971.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.71-17436 Filed 11-29-71;8:51 am]

VANDERBILT UNIVERSITY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, within 20 calendar days after the date on which this notice of application is published in the FEDERAL REGISTER.

Amended regulations issued under cited Act, as published in the October 14, 1969, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 72-00111-65-46070. Applicant: Vanderbilt University, Department of Materials Science and Engineering, Box 3245, Station B, Nashville, TN 37203. Article: Scanning electron microscope, Mark IIA. Manufacturer: Cambridge Instrument Co., Ltd., United Kingdom. Intended use of article: The article will be used in research studies of surfaces and coating phenomena and microcrystallographic orientation which will include studies of alloys, ceramics, high strength polymers, studies of surface fretting of biomedical implants, friction and wear of titanium alloys, formation of coherent oxide scales, and high temperature sulfidation studies. The article will also be used for education in lecture demonstrations and individual tutorials in a variety of engineering and scientific areas. Application received by Commissioner of Customs: August 27, 1971.

Docket No. 72-00112-01-77030. Applicant: David Lipscomb College, Nashville, Tenn. 37203. Article: NMR Spectrometer, Model JNM-C60HL. Manufacturer: Japan Electron Optics Lab. Co. Ltd., Japan. Intended use of article: The article will be in research to study transition metal chelates and the effect of lanthanide salts on the structure of methanol and ethanol. The article will also be used as a teaching tool in various courses in chemistry. Application received by Commissioner of Customs: August 27, 1971.

Docket No. 72-00113-75-27000. Applicant: University of California, Lawrence Radiation Laboratory, East End of Hearst Avenue, Berkeley, Calif. 04720. Article: Electron tubes. Manufacturer: Compagnie Generale de Telegraphie Sans Fil France. Intended use of article: The article will be used in a proton-deuteron accelerator complex (the Bevatron) to furnish power at approximately 200 MHz for the second of three stages of acceleration, a 50 MeV linear accelerator. The ultimate goal of the Bevatron is to provide protons or deuterons to high energy physics experiments involved in the exploration of nuclear structure of matter. Application received by Commissioner of Customs: August 27, 1971.

Docket No. 72-00114-01-46040. Applicant: University of Texas Medical Branch, Office of the Purchasing Agent, Administration Building, Galveston, Tex. 77550. Article: Electron microscope, Model EM 300. Manufacturer: Philips Electron Instruments, N.V.D., the Netherlands. Intended use of article: The article will be used by qualified investigators for research on biogenic amines and synaptic interconnections in the nervous system. Application received by Commissioner of Customs: August 30, 1971.

Docket No. 72-00115-00-46040. Applicant: University of California, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Universal cassette. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is an accessory for an existing electron microscope. Application received by Commissioner of Customs: August 30, 1971.

Docket No. 72-00116-33-43780. Applicant: Cold Spring Harbor Laboratory, Post Office Box 100, Cold Spring Harbor, NY 11724. Article: Microelectrode puller, EH-11. Manufacturer: Takahashi, Japan. Intended use of article: The article is intended to be used to make microelectrodes for intracellular recording from nerve cells. Application received by Commissioner of Customs: August 31, 1971.

Docket No. 72-00117-99-43780. Applicant: Cold Spring Harbor Laboratory, Post Office Box 100, Cold Spring Harbor, NY 11724. Article: Floating Current Clamps. Manufacturer: University of Bristol, United Kingdom. Intended use of article: The article will be used in teaching a course in practical neurobiology in which the article will pass a nano amp current between two intercellular microelectrodes without passing any current across the neuron membrane. Application received by Commissioner of Customs: August 31, 1971.

Docket No. 72-00118-33-46500. Applicant: University of Maryland, 31 South Greene Street, Baltimore, MD 21201. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische, Werke A.G., Austria. Intended use of article: The article will be used in the research work and for training students and fellows in experimental pathology. The research involved includes: (1) Exploration of the reactions in the cytocavitary network which includes lysosomes; (2) investigation of the morphological changes and volumetric analysis of mitochondria; (3) investigation of

alterations of transporting epithelium or changes in model systems of the ascites tumor cells as well as alterations of other tissue culture systems. Application received by Commissioner of Customs: August 31, 1971.

Docket No. 72-00119-33-46040. Applicant: University of California, Santa Barbara, 4219P Administration Building, Santa Barbara, Calif. 93106. Article: Electron microscope, EM 300. Manufacturer: Philips Electronic Instruments, the Netherlands. Indended use of article: The article is intended to be used in the following biological research: (1) Fine structural studies of mature and differentiating phloem cells to try to determine the relation of structure to function of the various subcellular systems; (2) cytochemical studies on mature and differentiating phloem sieve elements; (3) ultrastructure of the adrenal cortex of the domestic duck, *Anas Platyrhynchos*. Application received by Commissioner of Customs: August 31, 1971.

Docket No. 72-00120-75-20700. Applicant: Cornell University, Laboratory of Nuclear Studies, Wilson Laboratory, Ithaca, N.Y. 14850. Article: Lead glass. Manufacturer: Ohara Glass Co., Japan. Intended use of article: The article will be used in several experiments as detectors to measure the energy and point of conversions of multi-GeV gamma rays. Application received by Commissioner of Customs: August 31, 1971.

Docket No. 72-00122-33-46040. Applicant: Westerfield State College, Western Avenue, Westerfield, Mass. 01085. Article: Electron microscope, Model EM 9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used in biological research, involving morphology and physiology, of plant and animal tissue. The article will also be used in a course in electron microscopy for beginning students. Application received by Commissioner of Customs: September 2, 1971.

Docket No. 72-00123-33-46500. Applicant: College of William and Mary, Department of Biology, Williamsburg, Va. 23185. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used in experiments which include investigation of the ultrastructural aspects of both differentiating vegetative and reproductive cells of marine red algae and the early stages of development of algal thalli (plants) derived from spore germination within controlled environment culture incubators. Cell wall otogeny, the establishment of polarity, mitosis, meiosis and cytokinesis (cell division) comprise several of the features of this poorly-studied group of plants that will be investigated. A course in "Experimental Electron Microscopy" will be taught at the graduate level with the article. Application received by Commissioner of Customs: September 9, 1971.

Docket No. 72-00124-33-46500. Applicant: DHEW, PHS, HSMHA, Center for Disease Control, 255 East Paces Ferry Road, Northeast, Atlanta, GA 30305. Article: Ultramicrotome and Knifemaker Combination. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article will be used to study the ultrastructural histology in punch biopsies from experimental animals in investigating the development of glumerulonephritis. Application received by Commissioner of Customs: September 9, 1971.

Docket No. 72-00125-65-86300. Applicant: University of Maryland, College Park, Md. 20742. Article: Viscoelastometer, Model DDV-II-B Rheovibron. Manufacturer: Toyo Measuring Instruments Co., Ltd., Japan. Intended use of article: The article is intended to be used in an investigation to study molecular and phase interaction in polymer blends and to determine the compatibility of specific blends of homopolymers and copolymers produced from them. A second program requiring the use of the article will be studies of the properties of material produced from the radiation-induced polymerization of ethylene and hexafluoroacetone. Further, the instrument will be used to study the effect of solutes on the glass transition temperature of polymers and in doctoral level thesis research by graduate students in the study of novel polymers, and the effect of solutes on the glass transition temperature of polymers. Application received by Commissioner of Customs: September 13, 1971.

Docket No. 72-00126-33-71200. Applicant: University of Chicago, 950 East 59th Street, Chicago, IL 60637. Article: Freeze-Dryer, FT-1. Manufacturer: Bergman-Beving, Sweden. Intended use of article: The article is intended to be used for processing of monoamines in tissue at low temperatures and high vacuum. Application received by Commissioner of Customs: September 9, 1971.

Docket No. 72-00127-91-75000. Applicant: University of Nebraska, 227 Nebraska Hall, Lincoln, Nebr. 68501. Article: Tecator Digestion System. Manufacturer: Tecator A.B., Sweden. Intended use of article: The article is intended to be used as a supplement to the Standard Kjeldahl macrodigestion system; for digestion of plant and soil materials for total nitrogen determinations and for perchloric acid digestion of plant materials for determination of calcium, phosphorus, zinc, etc. Application received by Commissioner of Customs: September 9, 1971.

Docket No. 72-00128-33-46040. Applicant: University of California-San Francisco, Purchasing Department, 1438 South 10th Street, Richmond, CA 94804. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is intended to be used in research on the lipoproteins of plasma which transport the atherogenic lipids, cholesterol and fats. The article will also be used in training graduate and postdoctoral students in electron microscope techniques related to the investigation of plasma lipoproteins. Application received by Commissioner of Customs: September 13, 1971.

Docket No. 72-00129-33-81595. Applicant: University of Cincinnati, Department of Environmental Health, Kettering Laboratory, Eden and Bethesda Avenues, Cincinnati, OH 45219. Article: Wright Dust Feed Mechanism. Manufacturer: L. Adams, Ltd., United Kingdom. Intended use of article: The article will be used to generate a cloud of very fine particles of coal dust at a constant concentration for six or more continuous hours per day in experiments designed to study the effect and fate of inhaled coal dust in order to establish safe working conditions for coal workers. Application received by Commissioner of Customs: September 9, 1971.

Docket No. 72-00130-33-46040. Applicant: University of Utah, Purchasing Department, Salt Lake City, Utah 84112. Article: Electron microscope, Model Elmiskop 101. Manufacturer: Siemens A.G., West Germany. Intended use of article: The article is intended to be used to examine ultrathin sections and negatively stained particulate material from fractionated cells in studies of the in situ arrangement of DNA molecules (chromosomes) of essential cell organelles—mitochondria, chloroplasts, and kinetoplasts, and their relationship to organelles membrane structures; study the form and structure of DNA molecules from mitochondria, kinetoplasts, chloroplasts, and the chromosomes of higher organisms; determine the physical length and position of tandem duplications and deletions in bacteriophage T4 DNA molecules. The article will also be used to train selected graduate students in electron microscopy. Application received by Commissioner of Customs: September 13, 1971.

Docket No. 72-00131-33-46500. Applicant: Veterans Administration Hospital, Neurology Research, 4150 Clement Street, San Francisco, CA 94121. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is intended to be used for ultrastructural studies of human peripheral nerve and in electron microscopic autoradiography of experimental neuropathies in mice. Application received by Commissioner of Customs: September 14, 1971.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.71-17435 Filed 11-29-71;8:51 am]

STATE UNIVERSITY COLLEGE OF NEW YORK ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The notice of application as published in Volume 36, No. 217 (page 21534) of the FEDERAL REGISTER dated Wednesday, November 10, 1971 pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) is hereby amended to read as follows:

In Docket No. 72-00025-00-11000, article: Mass marker instead of Mass market; and

In Docket No. 72-00028-72-46040, article: Electron microscope, EM-9S-2 instead of EM-9S02.

Docket No. 72-00025-00-11000. Applicant: St. Louis University, 221 North Grand Boulevard, St. Louis, MO 63103. Article: Mass marker, Model LKB 9010. Manufacturer: LKB Produkter A.B., Sweden. Intended use of article: The article is an accessory for an existing mass spectrometer. Application received by Commissioner of Customs: July 14, 1971.

Docket No. 72-00028-72-46040. Applicant: University of Maryland-Baltimore County, 5401 Wilkens Avenue, Catonsville, MD 21228. Article: Electron microscope, EM-9S-2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article will be used for routine specimen examination and selection of favorable specimens which will then be examined at high resolution in a larger research microscope. The specimens employed will be primarily thin tissue or cell sections with some whole mount microbial and viral preparations, as well.

The article will also be used as an educational microscope in a course for advanced under-graduate and graduate students. Application received by Commissioner of Customs: July 14, 1971.

SETH M. BODNER,
Director, Office of Import Programs.

[FR Doc.71-17438 Filed 11-29-71;8:51 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-270, 50-287]

DUKE POWER CO.

Determination Not To Suspend Construction Activities at Oconee Nuclear Station

Duke Power Co. (the licensee) is the holder of Provisional Construction Permits Nos. CPPR-34 and CPPR-35 (the construction permits) issued by the Atomic Energy Commission on November 6, 1967. The provisional construction permits authorize the licensee to construct two pressurized water nuclear power reactors designated as the Oconee Nuclear Station Units 2 and 3, at a site in Oconee County, S.C., approximately 8 miles northeast of Seneca, S.C. Each facility is designed for initial operation at approximately 2,452 megawatts (thermal).

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50 (Appendix D), the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the construction permits should not be suspended, in whole or in part, pending completion of the NEPA environmental review.

The Director of Regulation has considered the licensee's submission in light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that construction activities at the Oconee Nuclear Station authorized pursuant to CPPR-34 and CPPR-35 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permits for the Oconee Nuclear Station Units 2 and 3, Duke Power Co., AEC Dockets Nos. 50-270 and 50-287, November 19, 1971."

Pending completion of the full NEPA review, the holder of Provisional Construction Permits Nos. CPPR-34 and CPPR-35 proceeds with construction at its own risk. The determination herein and the discussion and findings referred to above do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying or terminating the construction permits or from appropriately conditioning the permits to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the construction permits should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permits for the Oconee Nuclear Station Units 2 and 3, Duke Power Co. AEC Dockets Nos. 50-270 and 50-287, November 19, 1971," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and at the Oconee County Library, 201 South Spring Street, Walhalla, SC 29691. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 20th day of November 1971.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.71-17404 Filed 11-29-71;8:49 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORP.

Order Convening Evidentiary Hearing

In the matter of Vermont Yankee Nuclear Power Corp. (Vermont Yankee Nuclear Power Station), Docket No. 50-271.

The Atomic Safety and Licensing Board has rearranged schedules of hearings to accommodate necessities from other arrangements which now require reconvening the evidentiary hearing at 2 p.m. on Monday, November 29, 1971, in lieu of reconvening on December 1. At the time of reconvening, cross-examination will commence by Intervenors on financial concerns and a recess will be taken on Wednesday, December 1. On Thursday, December 2, 1971, consideration will be given to applicant's motion and evidence for low power testing and Intervenors' motion in opposition, after which the hearing will include the balance of cross-examination on financial concerns.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, the order of November 19 is canceled respecting reconvening on December 1, 1971, and in lieu thereof, the evidentiary hearing in this proceeding shall reconvene at 2 p.m. on Monday, November 29, 1971, in the Vermont National Guard Armory, 207 Main Street, Brattleboro, VT.

Issued: November 24, 1971, Germantown, Md.

Atomic Safety and Licensing Board.

SAMUEL W. JENSCH,
Chairman.

[FR Doc.71-17475 Filed 11-29-71;8:52 am]

[Docket No. 50-333]

POWER AUTHORITY OF THE STATE OF NEW YORK

Determination Not To Suspend Construction Activities Pending Completion of NEPA Environmental Review

The Power Authority of the State of New York (the licensee) is the holder of Construction Permit No. CPPR-71 (the construction permit), issued by the Atomic Energy Commission on May 20, 1970. The construction permit authorizes the licensee to construct a boiling water nuclear power reactor designated as the James A. FitzPatrick Nuclear Power Plant, at a site located in Oswego County, N.Y. The facility is designed for initial

operation at approximately 2,436 megawatts (thermal).

In accordance with section E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), Appendix D of 10 CFR Part 50 (Appendix D), the licensee has furnished to the Commission a written statement of reasons, with supporting factual submission, why the construction permit should not be suspended, in whole or in part, pending completion of the NEPA environmental review. This statement of reasons was furnished to the Commission on October 18, 1971.

The Director of Regulation has considered the licensee's submission in the light of the criteria set out in section E.2 of Appendix D, and has determined, after considering and balancing the criteria in section E.2 of Appendix D, that construction activities at the James A. FitzPatrick Nuclear Power Plant authorized pursuant to CPPR-71 should not be suspended pending completion of the NEPA environmental review.

Further details of this determination are set forth in a document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the James A. FitzPatrick Nuclear Power Plant, Docket No. 50-333."

Pending completion of the full NEPA review, the holder of Construction Permit No. CPPR-71 proceeds with construction at its own risk. The determination herein and the discussion and findings hereinabove referred to do not preclude the Commission, as a result of its ongoing environmental review, from continuing, modifying or terminating the construction permit or from appropriately conditioning the permit to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensee, may file a request for a hearing within thirty (30) days after publication of this determination in the FEDERAL REGISTER. Such request shall set forth the matters, with reference to the factors set out in section E.2 of Appendix D, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER.

The licensee's statement of reasons, furnished pursuant to section E.3 of Appendix D, as to why the construction permit should not be suspended pending completion of the NEPA environmental review, and the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Suspension Pending NEPA Environmental Review of the Construction Permit for the James A. FitzPatrick Nuclear Power Plant, Docket No. 50-333," are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and the Oswego City Library, 120 East Second Street, Oswego, NY 13126. Copies of the "Discussion and Findings" document may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 23d day of November 1971.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.71-17415 Filed 11-29-71;8:49 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Reconstitution of Board

In the mater of Wisconsin Electric Power Co., and Wisconsin Michigan Power Co., Point Beach Nuclear Plant, Unit 2, Docket No. 50-301.

Dr. John C. Geyer was a member of the Board established to consider the above application. He has advised that he is unable to continue to serve as a member of the Board in this proceeding.

Accordingly, Dr. Walter H. Jordan, the technical alternate, has been constituted a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721(b) of the rules of practice.

Dated at Washington, D.C., this 24th day of November 1971.

JAMES R. YORE,
Executive Secretary, Atomic Safety and Licensing Board Panel.

[FR Doc.71-17416 Filed 11-29-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

UNIROYAL, INC.

Notice of Extension and Establishment of Temporary Tolerances

Uniroyal, Inc., Bethany, Conn. 06525, was granted temporary tolerances for residues of the insecticide 2-(*p-tert*-butylphenoxy) cyclohexyl 2-propynyl sulfite in or on grapes at 10 parts per million, strawberries at 7 parts per million, oranges at 3 parts per million, and almonds at 0.1 part per million (negligible residue) on October 13, 1969 (notice was published in the FEDERAL REGISTER of October 18, 1969 (34 F.R. 17041)). The tolerances expired October 13, 1970.

The firm has requested a 1-year extension of the tolerances for residues of the pesticide in or on grapes and almonds to obtain additional experimental data and establishment of temporary tolerances for the pesticide in or on the raw agricultural commodities grapefruit, lemons, and oranges.

It has been determined that temporary tolerances for residues of the pesticide in or on grapes at 10 parts per million; grapefruit, lemons, and oranges at 5 parts per million; and almonds at 0.1 part per million (negligible residue) will protect the public health. The tolerances are therefore extended or established on condition that the pesticide be used in accordance with the temporary permits which are being issued concurrently by the Environmental Protection Agency and which provide for distribution under the Uniroyal name.

These temporary tolerances expire November 22, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticides Programs of the Environmental Protection Agency (36 F.R. 9038).

Dated: November 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-17371 Filed 11-29-71;8:48 am]

HAZLETON LABORATORIES, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP1F1130) has been filed by Hazleton Laboratories, Inc., 9200 Leesburg Turnpike, Vienna, VA 22180, proposing establishment of tolerances (21 CFR Part 420) for negligible residues of the herbicide diethyl dithiobis (thonoformate) in or on the raw agricultural commodities onions at 0.2 part per million and lettuce and sugar beet roots and tops at 0.1 part per million.

The anayltical method proposed in the petition for determining residues of the herbicide is a microcoulometric gas chromatographic procedure using a sulfur detector.

Dated: November 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-17367 Filed 11-29-71;8:48 am]

STAUFFER CHEMICAL CO.

Notice of Withdrawal of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), the following notice is issued:

In accordance with § 420.8 *Withdrawal of petitions without prejudice* of

the pesticide procedural regulations (21 CFR 420.8), Stauffer Chemical Co., 1200 South 47th Street, Richmond, CA 94804, has withdrawn its petition (PP 0F1002), notice of which was published in the FEDERAL REGISTER of August 25, 1970 (35 F.R. 13535), proposing establishment of a tolerance for negligible residues of the herbicide *S*-ethyl hexahydro-*1H*-azepine-1-carbothioate in or on the agricultural commodity sweet potatoes at 0.1 part per million.

Dated: November 22, 1971.

WILLIAM M. UPHOLT,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.71-17368 Filed 11-29-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. RP71-131]

ALGONQUIN GAS TRANSMISSION CO.

Order Suspending Proposed Tariff Provision

NOVEMBER 19, 1971.

On October 29, 1971, Algonquin Gas Transmission Co. (Algonquin) submitted for filing Original Sheets Nos. 27-A and 27-B, Fourth Revised Sheet No. 8, Ninth Revised Sheet No. 15-K and Fourth Revised Sheet No. 15-P to its FPC Gas Tariff, Original Volume No. 1, with the request that said sheets be allowed to become effective on November 1, 1971.

Algonquin stated in its filing that the purpose thereof was to set forth in specific detail the precise procedure it will employ to implement the prorationing provision contained in its presently effective tariff.

In requesting that the revised sheets be permitted to become effective on November 1, 1971, Algonquin asked for a waiver of compliance with pertinent Commission rules and regulations. Algonquin also requested that in the event that the tariff sheets are suspended the suspension should be limited to 1 day.

On November 12, 1971, the Algonquin Customer Group[1] filed a protest and objection to Algonquin's October 29, 1971, filing, and requested the suspension thereof for the full statutory period and a hearing thereon. Reference is made to the complex nature of Algonquin's proposed tariff provisions, the alleged failure to precisely define the curtailment procedures and possible conflicts in the provisions.

Since it appears that the justness and reasonableness of Algonquin's proposed tariff revisions may be in question and that hearings be held thereon, we have determined that the effectiveness should be suspended. Under the circumstances we are ordering a suspension for the full statutory period. Accordingly there is no need for the requested waiver of compliance with the Commission's rules and regulations.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Algonquin's proposed tariff revisions be suspended and the use thereof deferred as herein provided.

(2) In the event Commission determination of this proceeding is not concluded prior to the termination of the suspension period herein ordered the placing of the tariff changes applied for in this proceeding into effect after the suspension period in the manner prescribed by the Natural Gas Act, all subject to refund with interest, while pending Commission determination as to their justness and reasonableness is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) Pending hearing and decision on issues relating thereto, Algonquin's proposed Original Sheets Nos. 27-A and 27-B Fourth Revised Sheet No. 8, Ninth Revised Sheet No. 15-K and Fourth Revised Sheet No. 15-P are hereby suspended and the use thereof deferred until April 29, 1972, and such further time as they are made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] KENNETH R. PLUMB,
Secretary.

[FR Doc.71-17384 Filed 11-29-71;8:46 am]

[Docket No. RP72-61]

ALGONQUIN GAS TRANSMISSION CO.

Order Suspending Proposed Tariff Provision

NOVEMBER 19, 1971.

On October 21, 1971, Algonquin Gas Transmission Co. (Algonquin), submitted for filing First Revised Sheet No. 27 to its FPC Gas Tariff, Original Volume No. 1.

Algonquin stated that the proposed revised tariff sheet which provides for relief from the demand charge adjustment in the event of curtailment of deliveries due to a gas supply shortage on Algonquin's system. As stated by Algonquin, the relief requested tracks that requested by Texas Eastern Transmission Corp. (Texas Eastern), Algonquin's sole supplier.

Algonquin requested that the revised tariff sheet be allowed to become effective on November 1, 1971, or such other date as Texas Eastern's Second Revised Sheet No. 76 (which is the subject of proceedings in Docket No. RP72-58) is made effective. In connection therewith Algonquin asked that pertinent Commission rules and regulations be waived.

Since it appears that the justness and reasonableness of Algonquin's proposed tariff revision may be in question and that hearings be held thereon, we have determined that the effectiveness should be suspended. Since in the Docket No. RP72-58 proceeding we are suspending the effectiveness of Texas Eastern's Second Revised Sheet No. 76 until April 19, 1972, it would be appropriate to suspend the effectiveness of Algonquin's filing for a like period. Accordingly, there is no need for the requested waiver of compliance with the Commission's rules and regulations.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that Algonquin's proposed revised tariff sheet be suspended and the use thereof deferred as herein provided.

(2) In the event Commission determination of this proceeding is not concluded prior to the termination of the suspension period herein ordered the placing of the tariff changes applied for in this proceeding into effect after the suspension period in the manner prescribed by the Natural Gas Act, all subject to refund with interest while pending Commission determination as to their justness and reasonableness is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

Pending hearing and decision on issues relating thereto, Algonquin's proposed First Revised Sheet No. 27 is hereby suspended and the use thereof deferred until April 19, 1972, and such further time as it is made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17385 Filed 11-29-71;8:46 am]

[Docket No. CP65-67]

BACA GAS GATHERING SYSTEM, INC.

Notice of Petition To Amend

NOVEMBER 19, 1971.

Take notice that on November 5, 1971, Baca Gas Gathering System, Inc. (petitioner), 1200 Hartford Building, Dallas, TX 75201, filed in Docket No. CP65-67 a petition to amend the order of the Commission issued pursuant to section 7(c) of the Natural Gas Act on January 25, 1965 (33 FPC 102), as amended, by deleting or modifying certain conditions imposed by the Commission, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of January 25, 1965, authorized, inter alia, the construction and

[1] The Algonquin Customer Group includes: Boston Gas Co., Bristol and Warren Gas Co., Brockton Taunton Gas Co., Buzzards Bay Gas Co., Cambridge Gas Co., The Connecticut Gas Co., Connecticut Natural Gas Corp., Fall River Gas Co., The Hartford Electric Light Co., Town of Middleborough, Municipal Gas and Electric Department, New Bedford Gas and Edison Light Co., The Newport Gas Light Co., North Attleboro Gas Co., City of Norwich, Department of Public Utilities, Norwood Gas Co., Pequot Gas Co., South County Gas Co., The Southern Connecticut Gas Co., Tiverton Gas Co., and Worcester Gas Light Co.

operation of facilities and the sale of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. (Panhandle). Said certificate is conditioned so that petitioner is permitted to sell natural gas to Panhandle at a rate not to exceed 4 cents plus any rate lawfully in effect for the sale of gas to petitioner by the producers.

Petitioner states that the reserves of gas dedicated to it have proved to be only 58 percent of the original projections and that its gross revenue at the existing rates are not sufficient to cover both operating costs and the retirement of mortgage debt. Therefore, petitioner has contracted with Panhandle for a price of 18.6 cents per Mcf, or a rate not to exceed 5.6 cents per Mcf above the rate in effect for the sale of gas to petitioner by producers, and requests that the Commission amend the order heretofore issued in said docket to reflect this increased rate.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17386 Filed 11-29-71;8:46 am]

[Docket No. CP71-68]

COLUMBIA LNG CORP.

Notice of Amendment to Application

NOVEMBER 18, 1971.

Take notice that on November 8, 1971, Columbia LNG Corp. (Columbia LNG), 20 Montchanin Road, Wilmington, DE 19807, filed in Docket No. CP71-68 an amendment to its pending application pursuant to section 3 of the Natural Gas Act for an order of the Commission authorizing Applicant to import liquefied natural gas (LNG) from Algeria into the United States, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it has entered into an Amended Agreement with El Paso Algeria Corp. (El Paso Algeria) which (i) extends the date for termination of the original Agreement upon which this Application is based from June 1, 1971, to June 30, 1972, (ii) provides for termination of such Agreement unless necessary authorizations for importation of 410,625 billion B.t.u. annually (the equivalent of 1 million Mcf per day) are obtained by Applicant and other purchasers from El Paso Algeria, rather than the amount of 205,312,500 million B.t.u. (the equivalent of 500,000 Mcf per day) as provided in the original contract, (iii) provides for a base price for LNG delivered at Cove Point, Md., of 64.60 cents per million B.t.u., and (iv) provides for a nine-ship fleet of LNG tankers to be provided by El Paso Algeria for delivery of LNG to Cove Point and two other purchasers at Savannah, Ga.

Applicant states that the foregoing amendment does not change the annual volumes of LNG which Applicant originally proposed to import, amounting to 123,187,500 million B.t.u. per year (the approximate equivalent of 300,000 Mcf per day).

Alternatively, Applicant states that upon the occurrence of certain conditions precedent with respect to the availability of LNG supply, it proposes to purchase from El Paso Algeria a quantity of up to 205,312,500 million B.t.u. annually (the approximate equivalent of 500,000 Mcf per day). Under this arrangement, Applicant states that the base price of LNG delivered to Cove Point would be 64.55 cents per million B.t.u.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). Any person who has heretofore been permitted to participate as a party in this proceeding need not file again. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17387 Filed 11-29-71;8:46 am]

[Docket No. CP72-125]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

NOVEMBER 18, 1971.

Take notice that on November 8, 1971, Michigan Wisconsin Pipe Line Co. (Applicant), One Woodward Avenue, Detroit, MI 48226, filed in Docket No. CP72-125 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities to enable Applicant to connect to its pipeline system a new supply of natural gas from offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted with TransOcean, a group of producers, for the purchase of 200 million Mcf of presently proven reserves in Block 171, West Cameron Area, offshore Louisiana. To connect the TransOcean reserves to its system, Applicant proposes to construct a 30-inch pipeline extending approximately 13.9 miles from the southerly terminus of its offshore pipeline in the Block 71 Field, West Cameron Area, to Block 171. Applicant also proposes to construct approximately 22.1 miles of 30-inch pipeline extending from the northerly terminus of its Block 71 line to its Lake Arthur Compressor Station, and to install 5.4 miles of 26-inch loop line into its North Tepetate Compressor Station, completing the looping of that line.

The estimated cost of the facilities proposed herein is $15,800,000, which cost Applicant states will be financed with borrowings from banks under lines of credit, together with retained earnings and other funds generated internally.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17388 Filed 11-29-71;8:46 am]

[Docket No. CP71-310, etc.]

MOUNTAIN GAS CO., ET AL.

Order Consolidating Proceedings, Permitting Intervention, Setting Hearing Date, and Specifying Procedures

NOVEMBER 19, 1971.

Mountain Gas Co., Consolidated Gas Supply Corp., Cabot Corp., Appalachian Exploration & Development, Inc., Dockets Nos. CP71-310, CP72-28, CI71-897, CI71-898, CI71-902, and CI71-903, CI71-899, and CI71-904.

On June 23, 1971, and as later supplemented on August 13, 1971, Mountain Gas Co. (Mountain) requested authorization, pursuant to sections 7(b) and 7(c) of the Natural Gas Act, to construct and operate certain pipeline and compressor facilities; acquire by purchase certain rights, interests, and facilities from its parent, the Cabot Corp. (Cabot); and exchange natural gas with Consolidated Gas Supply Corp. (Consolidated); all for the transportation and sale of natural gas in interstate commerce. In addition, Mountain requests authorization to abandon sales from the Rocky Fork Field, Kanawha County, W. Va., and conduct studies to determine storage potential of this field.

Mountain is a wholly owned subsidiary of Cabot and the subject proposal is part of a corporate reorganization designed to separate the production, transmission and storage, and local distribution activities of the parent corporation.

On August 3, 1971, Consolidated requested authorization, pursuant to section 7(c) of the Natural Gas Act, to construct and operate metering facilities and to exchange up to 2,000 Mcf of natural gas per day with Mountain.

Appalachian Exploration and Development, Inc. (AED), producing subsidiary of Cabot, has filed applications in CI71-899 and CI71-904 to sell natural gas to Mountain from previously intrastate acreage in various counties in West Virginia. The gas involved in Dockets Nos. CI71-899 and CI71-904 will be sold under separate contracts dated May 17, 1971, which provide AED with the option to process the gas for removal of liquefiable hydrocarbons after delivery to Mountain. The estimated sales volume in Docket No. CI71-899 is 402,833 Mcf per month.

Cabot has filed abandonment applications in CI71-897, CI71-899, CI71-902, and CI71-903 to abandon interstate sales prior to their assignment to Mountain.

The total cost of facilities to be acquired from Cabot, is the depreciated original cost, which was $6,019,366 on December 31, 1970. The estimated cost of facilities to be installed by Mountain is $66,876. Consolidated estimates the cost of its proposed metering and regulating facilities to be $5,263. Mountain's proposed abandonment will not involve any facilities.

On August 2, 1971, Columbia Gas Transmission Corp. (Columbia) filed a petition for leave to intervene in Docket No. CP71-310. Columbia directly controls approximately 80 percent of the estimated remaining reserves in the Rocky Fork Field and is not conducting any joint storage studies with Mountain or Cabot. A formal hearing is not requested but in the event one is held, participation by Columbia is requested.

On August 9, 1971, the Public Service Commission of West Virginia filed a petition to intervene in opposition in Docket No. CP71-310, requesting a hearing in the subject proceeding. The West Virginia Commission contends that certain facilities to be assigned to Mountain by Cabot were declared exempt from the Commission's jurisdiction in Opinion 564, issued August 1, 1969, in Docket No. CP68-176; and these facilities are presently subject to the jurisdiction of the West Virginia Commission.

The West Virginia Commission's petition for leave to intervene raises legal and factual issues indicating that an evidentiary proceeding will be required regarding matters presented in the section 7(b) and 7(c) applications of Mountain and Consolidated, as well as the related producer filings of AED and Cabot.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing on the matters presented in the section 7(b) and 7(c) applications of Mountain and Consolidated, and the related producer filings.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) Participation of the above-named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 7, 15, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held commencing December 15, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(B) On or before December 6, 1971, all applicants shall prepare and file with the Commission and serve on the Presiding Examiner, the Commission's Staff, and other parties in this proceeding their direct testimony and exhibits in support of the section 7(b) and 7(c) applications, and related producer applications.

(C) Any party planning to present testimony in opposition to the aforementioned section 7(b) and 7(c) applications shall, on or before November 29, 1971, file and serve on the Presiding Examiner, the Commission's Staff, and all other parties in this proceeding prepared written testimony in support of their positions.

(D) The above-named parties, who have filed petitions to intervene herein, are hereby permitted to become intervenors in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their petitions for leave to intervene; and *Provided, further,* That the admission of said intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(E) A Presiding Examiner to be designated by the Chief Examiner for that purpose shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-17389 Filed 11-29-71;8:46 am]

[Docket No. E-7621]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Supplemental Application

NOVEMBER 18, 1971.

Take notice that on November 10, 1971, Northwestern Public Service Co. (applicant) filed a second supplement to its application in Docket No. E-7621 seeking a supplemental order pursuant to section 204 of the Federal Power Act authorizing the issuance on or before December 31, 1971, of an additional $1 million of short term promissory notes in addition to the $5 million of short term promissory notes authorized by the order of the Commission issued June 1, 1971 in the Docket No. E-7621.

Applicant is incorporated under the laws of the State of Delaware and is qualified as a foreign corporation to do business in the States of South Dakota and North Dakota, and as a domesticated corporation in the State of Nebraska. The additional notes proposed to be issued pursuant to this application will be short term promissory notes which will be issued to commercial banks. Such notes will be issued in an aggregate amount not to exceed $1 million in addition to the $5 million of short term promissory notes previously authorized by order of the Commission issued June 1, 1971, in Docket No. E-7621. The interest rate on the new borrowing in an amount aggregating not to exceed $1 million to be issued pursuant to the supplemental application will be the prime commercial rate of The Chase Manhattan Bank as it is in effect from time to time during the term of such notes. The new additional notes in the aggregate amount not to exceed $1 million will be issued from time to time on or before December 31, 1971. Each of these notes will have a maturity date of less than 360 days from the date of issue.

The net proceeds from the issuance of the notes will be used, together with other funds of the applicant, for construction, extension, and improvement of facilities

and particularly accelerated and increased expenditures in 1971 in connection with construction of the large electric generating plant near Big Stone City, S. Dak.

Any person desiring to be heard or to make any protest with reference to this application should on or before the 9th day of December, 1971 file with the Federal Power Commission, Washington, D.C. 20436, petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceedings. Persons wishing to become parties to the proceedings or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rule. The application is on file with the Commission and available for public information.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17390 Filed 11-29-71;8:47 am]

[Docket No. E-7678]

OTTER TAIL POWER CO.

Notice of Application

NOVEMBER 19, 1971.

Take notice that on November 12, 1971, Otter Tail Power Co. (applicant) of Fergus Falls, Minn., filed an application seeking an order for approval of the issuance of short term obligations in the form of promissory notes to banks, such notes to be issued on or before December 31, 1974, with a final maturity date of not later than December 31, 1975, and in the form of commercial paper to commercial paper dealers, such commercial paper to be issued on or before December 31, 1975, and to have a maturity date of not to exceed 9 months from the date of issue.

The net proceeds from the notes and from the sale of commercial paper will be used to provide general funds for the Company's construction program.

Any person desiring to be heard or to make any protest with reference to such application should, on or before December 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17391 Filed 11-29-71;8:47 am]

[Docket No. CP72-126]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

NOVEMBER 19, 1971.

Take notice that on November 8, 1971, Texas Eastern Transmission Corp. (Applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP72-126 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas through existing facilities with Texas Gas Pipe Line Corp. (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the U.S. Army Corps of Engineers has requested that Texas Gas' pipeline crossing of the Neches River in Jefferson County, Tex., be removed and relocated to facilitate the improvement of the river's channel. Texas Gas has determined that the cost for this relocation would be prohibitive. Therefore, a natural gas exchange agreement between Texas Gas and Applicant was initiated to alleviate the necessity for the relocation of the crossing. Pursuant to the terms of this agreement, dated October 19, 1971, Texas Gas will deliver up to 20,000 Mcf of natural gas per day to Applicant at an interconnection between their facilities in Jefferson County. Applicant proposes to redeliver equivalent volumes to Texas Gas at an interconnection between their facilities in Orange County, Tex.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-17392 Filed 11-29-71;8:47 am]

[Dockets Nos. RP71-130, etc.]

TEXAS EASTERN TRANSMISSION CORP. AND ALGONQUIN GAS TRANSMISSION CO.

Order Consolidating Proceedings, Granting Motion and Establishing Hearing and Conference Procedures

NOVEMBER 19, 1971.

On May 17, 1971, Texas Eastern Transmission Corp. (Texas Eastern) filed a report dated May 14, 1971, responding to the Commission's Order No. 431, issued April 15, 1971, in the Docket No. R-418 proceeding. In said report Texas Eastern stated that it "does not know at this time whether it will be necessary to curtail deliveries to its customers during the 1971-72 winter heating season." In the report Texas Eastern further stated that in the event of curtailment the procedure followed would be in accordance with section 12.3 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Second Revised Volume, No. 1. The report was assigned Docket No. RP71-130.

On October 19, 1971, Texas Eastern filed a proposed revision in its Gas Tariff to eliminate the demand charge adjustment provisions in its rate schedules (Docket No. RP72-58).[2] In connection with said filing Texas Eastern stated that it estimates that it will be required to curtail deliveries by approximately 15 billion cubic feet of gas during the period from November 1, 1971, to May 1, 1972. Texas Eastern further stated that curtailments would be made in accordance with section 12.3 of the General Terms and Conditions of its currently effective FPC Gas Tariff, Second Revised Volume, No. 1.

On May 17, 1971, Algonquin Gas Transmission Co. (Algonquin) filed a report dated May 14, 1971, responding to the Commission's Order No. 431, issued April 15, 1971, in the Docket No. R-418 proceeding. In said report Algonquin stated that "Texas Eastern as its sole supplier had not curtailed deliveries of existing firm contract quantities and under the circumstances it did not consider it necessary to file a plan of curtailment." Algonquin further stated that in the event of a curtailment of firm gas

[2] By notice issued by the Acting Secretary on June 16, 1971, petitions to intervene or protests were required to be filed by July 9, 1971.

[2] By notice issued by the Secretary on November 2, 1971, petitions to intervene or protests were required to be filed on November 11, 1971.

deliveries the procedures to be followed were contained in Algonquin's tariff. The report was assigned Docket No. RP71-131.[3]

On October 21, 1971, Algonquin filed a proposed revision in its Gas Tariff to eliminate the demand charge adjustment provisions (Docket No. RP72-61).[4] Algonquin stated that the relief requested tracks similar relief requested by Texas Eastern and was occasioned by Texas Eastern's announcement of its intention to effect curtailments of gas deliveries during the period November 1, 1971, through April 30, 1972.

On October 29, 1971, Algonquin filed in Docket No. RP71-131 proposed revisions in its Gas Tariff which are stated to be for the purpose of setting forth "in specific detail, the precise procedures it will employ to implement the prorationing provision contained in its presently effective tariff."[5]

In view of the nature of the above filings by Texas Eastern and Algonquin and the fact that Texas Eastern is Algonquin's sole supplier, it appears appropriate that the proceedings in Dockets Nos. RP71-130, RP71-131, RP72-58, and RP72-61 be consolidated for hearing and decision.

By motion dated October 12, 1971, the Algonquin Customer Group[6] requested that the Commission convene a joint hearing or conference in the Dockets Nos. RP71-130 and RP71-131 proceedings to discuss issues relating, among other things, to the causes for the impairment of the gas supply of Texas Eastern and Algonquin and the curtailment procedures which will be followed by the companies. Columbia Gas Transmission Corp. (Columbia), a customer of Texas Eastern, opposed the said motion. In view of our determination to consolidate the filings of Texas Eastern and Algonquin hereinbefore referred to for hearing and decision and since we deem it appropriate that a conference be convened before the Presiding Examiner to be designated, we are granting the said motion and scheduling such a conference to consider the matters referred to in the motion, as well as any other relevant matters.

On October 27, 1971, the Municipal Defense Group, a group of municipality customers of Texas Eastern in Pennsylvania and Tennessee filed a motion seeking inter alia, consolidation of the Dockets Nos. RP71-130 and RP72-58 proceedings. Texas Eastern opposed the said motion. As we have indicated we have determined to consoldiate the said proceedings together with the Algonquin filings. Accordingly to the extent the said motion seeks consolidation of the Texas Eastern filings we are granting the said motion.

The urgency implicit in these proceedings makes it essential that all steps necessary to insure expedition be taken. We are therefore fixing a date for the distribution by Texas Eastern and Algonquin of evidence in support of the curtailment programs to be pursued, including the backup supply, demand and other data on which such programs are based and the impact on each customer at various anticipated curtailment levels. Texas Eastern and Algonquin shall at the same time distribute evidence bearing on the environmental factors considered and the environmental impact of the proposed curtailment programs. Following the distribution of such evidence we are scheduling the conference above referred to. In the event such conference is not productive of a settlement of the issues in this proceeding, we are directing the Examiner to proceed immediately to schedule the distribution of answering and rebuttal evidence and a hearing date for cross-examination. Such hearing should proceed without recess except for good cause shown.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that the proceedings in Dockets Nos. RP71-130, RP71-131, RP72-58, and RP72-61 be consolidated, and that the issues in these proceedings be scheduled for hearing in accordance with the procedures herein set forth.

(2) The motions by the Algonquin Customer Group and the Municipal Defense Group should be granted to the extent above indicated.

The Commission orders: (A) The proceedings in Dockets Nos. RP71-130, RP71-131, RP72-58, and RP72-61 are consolidated for hearing and decision.

(B) Texas Eastern and Algonquin shall distribute on or before December 6, 1971, the evidentiary support for the proposed curtailment programs and elimination of demand charge adjustments, including the environmental factors considered and the environmental impact of such curtailment programs.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held in the said consolidated proceedings to be presided over by the Presiding Examiner which shall be held on December 14, 1971, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purpose of incorporating into the record the testimony and exhibits previously distributed. Immediately thereafter the Presiding Examiner will convene a conference and in the event a settlement of the issues does not result from said conference, the Presiding Examiner will schedule dates for the distribution of answering and rebuttal evidence, and the date for the commencement of hearings for the purpose of cross-examination and will rule on all data requests or any other relevant matters presented at such hearing.

(D) A Presiding Examiner to be designated by the Chief Examiner (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at, and control these proceedings in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

(E) The motions made by the Algonquin Customer Group dated October 12, 1971, and by the Municipal Defense Group filed October 27, 1971, are granted to the extent above indicated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-17393 Filed 11-29-71;8:47 am]

[Docket No. R-427, etc.; Order 437A-3]

NEW ENGLAND POWER CO., ET AL.

Third Supplementary Order to Amended Statement of Policy and Order

NOVEMBER 19, 1971.

Statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Orders Nos. 11615 and 11627, Docket No. R-427.

New England Power Co., E-7595; Central Telephone & Utilities Corp., E-7602; Southern California Edison Co., E-7618.

On November 16, 1971, the Commission issued Order No. 437A, effective as of 12:01 a.m., November 14, 1971, in which Part 2, General Policy and Interpretations, Subchapter A, Chapter I, Title 18, Code of Federal Regulations was amended by adding a new § 2.90a. This new section was promulgated to implement Executive Order No. 11627 and 6 CFR 300.016. In paragraph (d) of § 2.90a, the Commission announced "that its actions with respect to increases in rates or charges otherwise effective, but for the policy announced in order No. 437, where the applicability of order No. 437 is not reflected in any Commission order, such actions will be reviewed for consistency with the Economic Stabilization Act, as amended, and, after such review, increases in rates or charges approved as being consistent with such purposes will be reported as supplements to this order and shall be effective as of 12:01 a.m., November 14, 1971."

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[3] By notice issued by the Acting Secretary on June 22, 1971, petitions to intervene or protests were required to be filed by July 9, 1971.

[4] By notice issued by the Secretary on November 2, 1971, petitions to intervene were required to be filed by November 11, 1971.

[5] By notice issued by the Secretary on November 3, 1971, petitions to intervene or protests were required to be filed by November 12, 1971.

[6] The Algonquin Customer Group includes: Boston Gas Co., Bristol and Warren Gas Co., Brockton Taunton Gas Co., Buzzards Bay Gas Co., Cambridge Gas Co., the Connecticut Gas Co., Connecticut Natural Gas Corp., Fall River Gas Co., the Hartford Electric Light Co., Town of Middleborough, Municipal Gas and Electric Department, New Bedford Gas and Edison Light Co., the Newport Gas Light Co., North Attleboro Gas Co., City of Norwich, Department of Public Utilities, Norwood Gas Co., Pequot Gas Co., South County Gas Co., the Southern Connecticut Gas Co., Tiverton Gas Co., and Worcester Gas Light Co.

The Commission has reviewed the rate increase filings made by jurisdictional electric public utilities in the dockets listed below in this third supplementary order. The increases in rates relating to the dockets listed below would all have become effective during the period from August 15 to November 13, 1971, under the provisions of section 205(e) of the Federal Power Act, 16 U.S.C. section 24d(e), were it not for the policy announced in order No. 437 implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. While these rate increases will be permitted to become effective, subject to refund, the Commission has not found such increases to be just and reasonable. However, pursuant to the provisions of section 205(e) of the Federal Power Act, the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible. In determining the justness and reasonableness of such rate increase filings, the regulatory standards which the Commission will implement pursuant to the provisions of the Federal Power Act are consistent with the purposes of the Economic Stabilization Act of 1970. While consumers are protected from excessive charges since the increased rates will be collected subject to refund with interest, the filing companies will not be deprived of revenues to which they may be entitled under the Constitution and applicable statutes pending the Commission's determination of the justness and reasonableness of their new schedules.

The Commission finds: To permit the rate increases applied for in the dockets listed below to become effective, subject to refund with interest, while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders: (A) The rate increases applied for in the dockets listed below may become effective, subject to refund with interest, as of 12:01 a.m., November 14, 1971, while pending Commission determination as to their justness and reasonableness.

(B) This order shall constitute the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by § 300.016(b) of Chapter III, Title 6 of the Code of Federal Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	Applicant	Date application filed	Date suspension period terminated
E-7605	New England Power Co.	3-12-71	8-15-71
E-7692	Central Telephone & Utilities Corp.	5-19-71	10-20-71
E-7618	Southern California Edison Co.	5-27-71	10-29-71

[FR Doc.71-17382 Filed 11-29-71;8:48 am]

[Docket No. R-427, etc.; Order 437A-1]

NORTHERN NATURAL GAS CO. ET AL.

First Supplementary Order to Amended Statement of Policy and Order

NOVEMBER 19, 1971.

Statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Orders Nos. 11615 and 11627, Docket No. R-427.

Northern Natural Gas Co., RP71-107; Michigan-Wisconsin Pipeline Co., RP71-112; El Paso Natural Gas Co., RP71-137.

On November 16, 1971, the Commission issued Order No. 437A, effective as of 12:01 a.m., November 14, 1971, in which Part 2, general policy and interpretations, Subchapter A, Chapter I, Title 18, Code of Federal Regulations was amended by adding a new § 2.90a. This new section was promulgated to implement Executive Order No. 11627 and 6 CFR 300.016. In paragraph (c) of § 2.90a, the Commission announced "that its actions with respect to increases in rates or charges in orders heretofore issued containing a provision that they are subject to the policy announced in order No. 437 will be reviewed for consistency with the purposes of the Economic Stabilization Act of 1970, as amended. After such review, increases in rates or charges approved as being consistent with such purposes will be reported as supplements to this order and shall be effective as of 12:01 a.m., November 14, 1971."

The Commission has reviewed the list of orders heretofore issued concerning natural gas pipeline rate increases attached below. These orders were issued under the provisions of section 4(e) of the Natural Gas Act, 15 U.S.C. section 717c(e). The increases in rates relating to the dockets listed below would all have become effective during the period from August 15 to November 13, 1971, under the provisions of the Natural Gas Act were it not for the policy stated in our order No. 437 implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. While these rate increases were approved by the Commission subject to refund and to our order No. 437 implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615, the Commission has not found such increases to be just and reasonable. However, pursuant to the provisions of section 4(e) of the Natural Gas Act, the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible. In determining the justness and reasonableness of such rate increase filings, the regulatory standards which the Commission will implement pursuant to the provisions of the Natural Gas Act are consistent with the purposes of the Economic Stabilization Act of 1970. While consumers are protected from excessive charges since the increased rates will be collected subject to refund with interest, the filing companies will not be deprived of revenues to which they may be entitled under the Constitution and applicable statutes pending the Commission's determination of the justness and reasonableness of their new schedules.

The Commission finds: To permit the rate increases applied for in the dockets listed below to become effective, subject to refund with interest, while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders: (A) The rate increases applied for in the dockets listed below may become effective, subject to refund with interest, as of 12:01 a.m., November 14, 1971, while pending Commission determination as to their justness and reasonableness.

(B) This order shall constitute the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by § 300.016(b) of Chapter III, Title 6 of the Code of Federal Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	Applicant	Date application filed	Date suspension period terminated
RP71-107	Northern Natural Gas Co.	4-26-71	10-27-71
RP71-112	Michigan-Wisconsin Pipeline Co.	4-29-71	11- 1-71
RP71-137	El Paso Natural Gas Co. (Northwest Division).	6-30-71	11- 1-71

[FR Doc.71-17383 Filed 11-29-71;8:49 am]

[Docket No. RP71-98 etc.; order 437A-2]

PACIFIC GAS TRANSMISSION CO. ET AL.

Second Supplementary Order to Amended Statement of Policy and Order

NOVEMBER 19, 1971.

Statement of policy implementing the Economic Stabilization Act of 1970 (Public Law 91-379, 84 Stat. 799, as amended by Public Law 92-15, 85 Stat. 38) and Executive Orders Nos. 11615 and 11627, Docket No. R-427.

Pacific Gas Transmission Co., RP71-98, Great Lakes Transmission Co., RP71-102, Cities Service Gas Co., RP71-106, Panhandle Eastern Pipe Line Co., RP71-108.

On November 16, 1971 the Commission issued order No. 437A, effective as of 12:01 a.m., November 14, 1971, in which Part 2, general policy and interpretations, Subchapter A, Chapter I, Title 18, Code of Federal Regulations was amended by adding a new § 2.90a. This new section was promulgated to implement Executive Order No. 11627 and 6 CFR 300.016. In paragraph (d) of § 2.90a, the Commission announced "that its actions with respect to increases in rates or charges otherwise effective, but for the policy announced in order No. 437, where the applicability of order No.

437 is not reflected in any Commission order, such actions will be reviewed for consistency with the Economic Stabilization Act, as amended, and, after such review, increases in rates or charges approved as being consistent with such purposes will be reported as supplements to this order and shall be effective as of 12:01 a.m., November 14, 1971."

The Commission has reviewed the rate increase filings made by jurisdictional natural gas pipeline companies in the dockets listed below in this second supplementary order. The increases in rates relating to the dockets listed below would all have become effective during the period from August 15 to November 13, 1971, under the provisions of section 4 (e) of the Natural Gas Act, 15 U.S.C. section 717c(e), were it not for the policy announced in Order No. 437 implementing the Economic Stabilization Act of 1970, as amended, and Executive Order No. 11615. While these rate increases will be permitted to become effective, subject to refund, the Commission has not found such increases to be just and reasonable. However, pursuant to the provisions of section 4(e) of the Natural Gas Act, the Commission shall give to the hearing and decision of such questions preference over other questions pending before it and decide the same as speedily as possible. In determining the justness and reasonableness of such rate increase filings, the regulatory standards which the Commission will implement pursuant to the provisions of the Natural Gas Act are consistent with the purposes of the Economic Stabilization Act of 1970. While consumers are protected from excessive charges since the increased rates will be collected subject to refund with interest, the filing companies will not be deprived of revenues to which they may be entitled under the Constitution and applicable statutes pending the Commission's determination of the justness and reasonableness of their new schedules.

The Commission finds:

To permit the rate increases applied for in the dockets listed below to become effective, subject to refund with interest, while pending Commission determination as to their justness and reasonableness, is consistent with the purposes of the Economic Stabilization Act of 1970, as amended.

The Commission orders:

(A) The rate increases applied for in the dockets listed below may become effective, subject to refund, with interest, as of 12:01 a.m., November 14, 1971, while pending Commission determination as to their justness and reasonableness.

(B) This order shall constitute the certification of consistency with the purposes of the Economic Stabilization Act of 1970, as amended, as required by § 300.016(b) of Chapter III, Title 6 of the Code of Federal Regulations.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

Docket No.	Applicant	Date application filed	Date suspension period terminated
RP71-98...	Pacific Gas Transmission Co.	4-1-71	10-1-71
RP71-102..	Great Lakes Transmission Co.	4-16-71	11-1-71
RP71-106..	Cities Service Gas Co.	4-27-71	10-23-71
RP71-108..	Panhandle Eastern Pipe Line Co.	4-27-71	10-27-71

[FR Doc.71-17381 Filed 11-29-71;8:48 am]

[Docket No. CP72-132]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Application

NOVEMBER 26, 1971.

Take notice that on November 15, 1971, Algonquin Gas Transmission Co. (applicant), 1284 Soldiers Field Road, Boston, Mass. 02135, filed in Docket No. CP72-132 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a limited term rearrangement of deliveries to certain of its customers from December 1, 1971, to April 15, 1972, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as a result of the Commission's order issued on October 22, 1971, in Docket No. CP70-196, permitting the importation of certain limited volumes of liquefied natural gas (LNG) by Distrigas Corp. (Distrigas), it has entered into an agreement with three of its customers, Providence Gas Co. (Providence), The Connecticut Gas Co. (Connecticut) and Boston Gas Co. (Boston), providing for certain delivery rearrangements. Distrigas was to sell and deliver LNG to Providence and Connecticut at their respective facilities. These facilities have not been completed. Therefore, as an alternative, Distrigas proposes to deliver regasified LNG to Boston. Pursuant to the terms of the agreement between Providence, Connecticut, Boston and applicant, Boston will use the natural gas delivered by Distrigas as a substitute for equivalent volumes which were to be delivered by applicant. Applicant will then deliver these volumes to Providence and Connecticut through existing facilities.

Applicant states that all deliveries to Providence and Connecticut will be subject to the operational requirements of its system. The estimated volumes of natural gas to be delivered to Providence and Connecticut during the term of this limited rearrangement are 300,000 Mcf and 500,000 Mcf, respectively. Applicant will receive a transportation rate of 8 cents per Mcf delivered to the parties.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions for leave to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before December 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.71-17485 Filed 11-29-71;8:52 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANK CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Affiliated Bank Corp., which is a bank holding company located in Madison, Wis., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more the outstanding voting shares of Middleton Shores Bank, Middleton, Wis.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country

may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

Board of Governors of the Federal Reserve System, November 23, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17362 Filed 11-29-71;8:45 am]

BANCOHIO CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

NOVEMBER 22, 1971.

In the matter of the application of BancOhio Corp., Columbus, Ohio, for approval of acquisition of at least 80 percent of the voting shares of The Niles Bank Co., Niles, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by BancOhio Corp., Columbus, Ohio, for the Board's prior approval of the acquisition of at least 80 percent of the voting shares of The Niles Bank Co. (Bank), Niles, Ohio.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Ohio Superintendent of Banks and requested his views and recommendation. The Superintendent offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on September 28, 1971 (36 F.R. 19099), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the largest bank holding company and second largest banking organization in Ohio, has 28 subsidiary banks controlling deposits in excess of $1.6 billion, representing approximately 7.2 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1971, and reflect holding company formations and acquisitions approved by the Board through October 31, 1971.) Consummation of the proposal herein would increase the percentage of total State deposits controlled by applicant slightly to 7.3 percent and applicant would remain the State's second largest banking organization.

Bank with $24.6 million deposits controls 2.8 percent of deposits in the Youngstown-Warren SMSA which approximates the relevant market within which the competitive aspects of the proposal are to be considered. Bank is the ninth largest of 14 banking organizations in the market; the five largest banks in the market each have deposits in excess of $100 million. Applicant's closest subsidiary to Bank is located about 30 miles away from the Mineral Ridge branch of Bank. There is, therefore, no existing competition between applicant and Bank. Ohio's countywide branching restrictions (applicant neither has subsidiaries within Bank's home county nor in counties contiguous thereto) and other facts of record make it unlikely that future competition will develop between them. Consummation of this proposal would thus foreclose neither existing nor potential competition, between Bank and any banking subsidiary of applicant. Affiliation with applicant is likely to enable Bank to compete more effectively in the market while not having a detrimental effect on the smaller well-established banks within the market. Accordingly, the Board concludes that consummation of the proposal would not have any adverse effect on competition in any relevant area.

The financial and managerial resources and prospects of applicant, its subsidiaries, and Bank are satisfactory and consistent with approval of the application. As a result of affiliation with applicant, international banking services and fiduciary services would be made available to Bank's customers through lead bank of applicant. Applicant would also provide Bank with expertise which would permit Bank to offer directly FHA and VA insured loans and which would permit Bank to expand other services such as floor planning financing. Consequently, considerations related to the convenience and needs factor lend some weight toward approval. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, On the basis of the record, that said application be and hereby is approved for the reasons summarized above: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] November 22, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17363 Filed 11-29-71;8:45 am]

INDUSTRIAL NATIONAL CORP.

Proposed Acquisition of Ambassador Factors Corp.

Industrial National Corp., New York, N.Y., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 222.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Ambassador Factors Corp., New York, N.Y. Notice of the application was published on September 23, 1971, in The New York Times, a newspaper circulated in New York, N.Y.

The proposed subsidiary would perform the activity of a factoring company. Such activity has been specified by the Board in § 222.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 222.4(b).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices". Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 23, 1971.

Board of Governors of the Federal Reserve System, November 23, 1971.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.71-17364 Filed 11-29-71;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, and Maisel. Absent and not voting: Governors Brimmer and Sherrill.

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-17, Supp. 1]

PUNCHED CARD ACCOUNTING MACHINES

Issuance of Requirements Type Contracts

Correction

In F.R. Doc. 71-17085 appearing on page 22258 in the issue of Tuesday, November 23, 1971, the date in the third line of paragraph 2 should read "(11-23-71)".

OFFICE OF EMERGENCY PREPAREDNESS

ALBERT D. O'CONNOR

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, Jan. 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Albert D. O'Connor as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for New Jersey disaster number 310 with date of declaration, September 4, 1971, to be effective November 19, 1971.

This notice changes my designation of September 10, 1971 (36 F.R. 18539, Sept. 16, 1971) with respect to the same disaster listed, naming Leo C. McNamee, Jr. as Federal Coordinating Officer.

Dated: November 22, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-17372 Filed 11-29-71;8:45 am]

ALBERT D. O'CONNOR

Appointment as Federal Coordinating Officer

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 F.R. 37, Jan. 5, 1971) to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Albert D. O'Connor as Federal Coordinating Officer to perform the duties specified by section 201 of that Act for New York disaster No. 311 with date of declaration, September 13, 1971, to be effective November 19, 1971.

This notice changes my designation of September 17, 1971 (36 F.R. 18913, Sept. 23, 1971) with respect to the same disaster listed, naming Hugh H. Fowler as Federal Coordinating Officer.

Dated: November 22, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-17373 Filed 11-29-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

NOVEMBER 24, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 8948 Sub 83, Western Gillette, Inc., assigned at Los Angeles, Calif., application dismissed.

MC 107103 Sub 6, Robinson Cartage Co., now being assigned hearing February 28, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 156, Warren Transport, Inc., now being assigned hearing February 25, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 114211 Sub 157, Warren Transport, Inc., now being assigned hearing February 24, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 119641 Sub 101, Ringle Express, Inc., now being assigned hearing February 22, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 123048 Sub 197, Diamond Transportation System, Inc., now being assigned hearing February 24, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 128648 Sub 6, Trans United, Inc., now being assigned hearing on February 23, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 135739, John J. Clark, doing business as Double J. Machinery Transport, now being assigned hearing March 2, 1972, at Chicago, Ill., in a hearing room to be later designated.

Finance Docket No. 26864, Penn Central Transportation Co., discontinuance of trains Nos. 508 and 521 between Providence, R.I., and New London, Conn., now being assigned hearing December 20, and December 21, 1971, in the Alwin-Mason Building, 169 Weybosset Street, Second Floor, Providence, RI.

Finance Docket No. 26864, Penn Central Transportation Co., discontinuance of trains Nos. 508 and 521 between Providence, R.I., and New London, Conn., now being assigned hearing December 22, 1971, at the Town Hall, Council Chamber, 66 High Street, Wakefield, RI.

MC 126276 Sub 46, Fast Motor Service, Inc., now being assigned continued hearing February 22, 1972, at Chicago, Ill., in a hearing room to be later designated.

MCs 13002 Subs 8 and 9, Fremont Smith Truck Line, Inc., 13087 Sub 35, Stockberger Transfer & Storage, Inc., 30844 Sub 365, Kroblin Refrigerated Express, 41404 Sub 96, Argo-Collier Truck Lines Corp., 59367 Sub 76, Decker Truck Line, Inc., 61592 Sub 235, Jenkins Truck Line, Inc., 82492 Sub 57, Michigan & Nebraska Transit Co., Inc., 83217 Sub 56, Dakota Express, Inc., 99780 Subs 16 and 17, Chipper Cartage Co., Inc., MC 105566 Subs 56 and 57, Sam Tanksley Trucking, Inc., 108053 Sub 104, Little Audrey's Transportation Co., Inc., 108449 Sub 328, Indianhead Truck Line, Inc., 110098 Sub 113, Zero Refrigerated Lines, 110563 Subs 63 and 69, Coldway Food Express, Inc., 111375 Subs 49 and 52, Pirkle Refrigerated Freight Lines, Inc. MC 112822 Sub 192, Bray Lines, Inc., 113362 Subs 208 and 217, Ellsworth Freight Lines, Inc., 113678 Sub 424, Curtis, Inc., 114273 Subs 84 and 93, Cedar Rapids Steel Transportation, Inc., 114457 Sub 112, Dart Transit Co., 114632 Sub 47, Apple Lines, Inc., 115331 Sub 310, Truck Transport, Inc., 117119 Sub 435, Willis Shaw Frozen Express, Inc., 117815 Sub 173, Pulley Freight Lines, Inc., 118180 Sub 11, Govan Express, Inc., 118263 Sub 48, Coldway Carriers, Inc., 119619 Sub 54, Distributors Service Co., 119741 Subs 38 and 39, Green Field Transport Co., Inc., 119767 Sub 267, Beaver Transport Co., 124211 Sub 190, Hilt Truck Line, Inc., 126473 Sub 17, Harold Dickey Transport, Inc., 127042 Sub 85, Hagen, Inc., assigned February 28, 1972, at Chicago, Ill., in a hearing room to be later designated.

MC 128497 Sub 10, Jack Link Truck Line, Inc., 128750 Sub 5, Pitt Truck, Inc., 129387 Sub 9, Bill Payne, doing business as Bill Payne Trucking Co., 133655 Sub 49, Trans-National Truck, Inc., 133775 Sub 9, Reefer Transit Line, Inc., 134777 Sub 11, Sooner Express, Inc., and MC 135100 Subs 4 and 5, Signal Transport, Inc., now being assigned hearing February 28, 1972, at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17422 Filed 11-29-71;8:50 am]

[Notice 788]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 26, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72889. By report and order of November 22, 1971, Division 3, acting as an Appellate Division, approved the transfer to Nationwide Auto Transporters, Inc., Fort Lee, N.J., of that portion of the operating rights in certificate No. MC-4405 issued October 9, 1969, to Dealers Transit, Inc., Chicago, Ill.,

authorizing the transportation of automobiles, new, used, unfinished, and wrecked, in subsequent or secondary movements, in driveaway service, between points in the United States, except those in Alaska, Arizona, Hawaii, Nevada, Oregon, and Vermont, and except between plantsites or other facilities including railheads of Ford Motor Co. in the Chicago, Ill., commercial zone, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Wisconsin, and Iowa. Harold G. Hernly, Sr., 2030 North Adams Street, Suite 510, Arlington, VA 22201 and Peter W. Williamson, 60 East 42d Street, New York, NY 10017, attorneys for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-17554 Filed 11-29-71;8:53 am]

[Notice 401]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 23, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30887 (Sub-No. 170 TA), filed November 15, 1971. Applicant: SHIPLEY TRANSFER, INC., Post Office Box 55, 49 Main Street, Reisterstown, MD 21136. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic granules,* in bulk, in Pneumatic Vehicles—X Rail, from Baltimore, Md., to points in Maryland, for 180 days. Supporting shipper: B. F. Goodrich Chemical Co., 3135 Euclid Avenue, Cleveland, OH 44115. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 91811 (Sub-No. 8 TA), filed November 15, 1971. Applicant: MILTON K. MORRIS, INC., Post Office Box 98, Harrisonville and Davidson Roads, Swedesboro, NJ 08085. Applicant's representative: V. Baker Smith, 123 South Broad Street, Philadelphia, PA 19109. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Cleaning, washing and scouring compounds; sodium hydrochlorite solution; laundry bleaches; animal litter and chopped alfalfa;* (except in bulk), from Jersey City, Kearny, and Newark, N.J., to points in Pennsylvania on and east of U.S. Highway 15, for 180 days. Supporting shipper: The Clorox Co., 7901 Oakport Street, Oakland, CA 94621. Send protests to: District Supervisor Richard M. Regan, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 111401 (Sub-No. 353 TA), filed November 12, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Printing ink,* in bulk, in tank vehicles, from Tulsa, Okla., to San Diego and Costa Mesa, Calif., for 180 days. Supporting shipper: Sun Chemical Co., J. Bolzak, Director of Traffic, 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113865 (Sub-No. 14 TA), filed November 15, 1971. Applicant: STAUFFER TRUCK SERVICE, INC., Rural Route No. 1, Taylor, MO 63471. Applicant's representative: S. R. Stauffer (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Utility truck bodies, pickup truck tool boxes and packs,* from West Quincy, Mo., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: The Knapheide Manufacturing Co., Quincy, Ill. 62301. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 114106 (Sub-No. 88 TA), filed November 15, 1971. Applicant: MAYBELLE TRANSPORT COMPANY, Post Office Box 849, 1820 South Main Street, Lexington, NC 27292. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry plastic material,* from Greer, S.C., to points in North Carolina and South Carolina, on shipments having a prior movement by rail, for 180 days. Supporting shipper: Celanese Corp., 522 Fifth Avenue, New York, NY 10036. Send protests to: Frank H. Wait, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Bldg.), Charlotte, NC 28202.

No. MC 115669 (Sub-No. 124 TA), filed November 11, 1971. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Salt and salt products,* from Saltair, Utah, to points in Kansas, for 180 days. Supporting shipper: Morton Salt Co., 6175 Baseo, Kansas City, MO. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 116254 (Sub-No. 129 TA), filed November 15, 1971. Applicant: CHEM-HAULERS, INC., Post Office Box 245, 1510 Martin Avenue, Sheffield, AL 35660. Applicant's representative: Douglas Logue (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Benzene and toulene* (coal tar derivatives), in bulk, in tank vehicles, from Cordova and Lynn Park, Ala., to points in South Carolina and Tennessee, for 180 days. Supporting shipper: United States Pipe and Foundry Co., 3300 First Avenue, North Birmingham, AL 35202, Attention: H. J. Travis, Traffic Manager. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 117565 (Sub-No. 51 TA), filed November 12, 1971. Applicant: MOTOR SERVICE COMPANY, INC., Post Office Box 448, Route 3, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *House trailers,* designed to be drawn by passenger automobiles and *building sections,* in initial movements, fom the plantsite and storage facilities of Kit Manufacturing Co., Mount Vernon, Ohio, to points in Connecticut, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New York, Pennsylvania, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Kit Manufacturing Co., Post Office Box 470, Mount Vernon, OH 40350. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 118776 (Sub-No. 14 TA), filed November 17, 1971. Applicant: C. L. CONNORS, INC., Mail: Post Office Box 712, 2700 Gardner Expressway, Quincy, IL 62301. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dump truck bodies and dump truck body hoists,* from Milwaukee, Wis., to

Quincy, Ill., for 180 days. Supporting shipper: K. L. Stebor, General Manager, Knapheide Equipment Co., Post Office Box 553, Quincy, IL 62301. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 325 West Adams Street, Room 476, Springfield, IL 62704.

No. MC 128449 (Sub-No. 4 TA), filed November 17, 1971. Applicant: JAMES A. TUCKER, doing business as JIMMIE TUCKER TRUCKING, Route 1, Box 40-B, Broken Bow, OK 74728. Applicant's representative: James A. Tucker (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, rough or dressed, treated or untreated, plywood, composition or asphalt lumber including boards, sheets, and exterior siding, and particle board* made from ground wood, wood chips, or sawdust, with weight of added binder not to exceed 14 percent, from the plantsite of Weyerhaeuser Co., McCurtain County, Okla., to points in Colorado, Missouri, New Mexico, and Texas, for 180 days. Supporting shipper: J. L. Fleming, Director of Transportation Service, Weyerhaeuser Co., Post Office Box 1060, Hot Springs, AR 71901. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 128573 (Sub-No. 3 TA), filed November 12, 1971. Applicant: BARNETT TRUCK LINE, INC., 3404 Wheat Street, Kinston, NC 28501. Applicant's representative: James B. Barnett (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bags and bulk, from Hartsville, S.C., to points in North Carolina on and east of Highway 220, for 180 days. Supporting shipper: International Minerals & Chemical Corp., Post Office Box 4145, Winston-Salem, NC 27105. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135158 TA, filed November 11, 1971. Applicant: COLEMAN TRANSFER & STORAGE, INC., 2804 North 13 Street, Omaha, NE 68101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, between points in Washington, Douglas, Sarpy, Cass, Otoe, Lancaster, Saunders, Dodge Counties, Nebr.; Harrison, Pottawattamie, Mills, Fremont, Shelby, Montgomery and Page Counties, Iowa. Restriction: The operations requested herein are restricted to the transportation of traffic having a prior or subsequent movement, by motor, water, rail or air, for 180 days. Supported by: Applicant filed its own supporting statement. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 135553 (Sub-No. 5 TA), filed November 17, 1971. Applicant: HENRY ANDERSEN, INC., 1618 College Avenue, Post Office Box 3427, Fredericksburg, VA 22401. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen bacon, bacon ends, and skins*, from Dogue, Va., to Scranton and Forty Fort, Pa., and San Diego, Los Angeles, and Alameda, Calif., for 180 days. Supporting shipper: White Packing Co., Inc., 2011 Eighth Street, North Bergen, NJ 07047. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, Richmond, Va., 23240.

No. MC 136130 (Sub-No. 1 TA), filed November 17, 1971. Applicant: SOUTH CENTRAL WAREHOUSE CORPORATION, 1112 Collins Drive, Kissimmee, FL 32741. Applicant's representative: Donald F. Wright, 145 North Magnolia Avenue, Orlando, FL 32802. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *General commodities* from applicant's warehouse in Kissimmee, Fla., to Walt Disney World, Bay Lake, Fla., in Orange and Osceola Counties, Fla., over S.R. 535, for 180 days. Supporting shipper: Walt Disney World Co., Lake Buena Vista, Fla. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-17355 Filed 11-26-71;8:50 am]

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